

ARCHIVES OF MARYLAND

XXXIV

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY

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ARCHIVES OF MARYLAND //

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

OCTOBER, 1720—OCTOBER, 1723

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CLAYTON COLMAN HALL

Editor



BALTIMORE
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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *September 1, 1914.*

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Thirty-fourth Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from October 11, 1720, to October 26, 1723.

Respectfully,

CLAYTON C. HALL,
BERNARD C. STEINER,
SAMUEL K. DENNIS,

Committee on Publication.

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PREFACE.

In this volume are contained the Proceedings and Acts of the General Assembly from October, 1720, to October, 1723, during which period five sessions of the Assembly were held. The lengthy record of the session of 1723 has caused the size of this volume to be extended much beyond the usual dimensions.

The beginning of the period is coincident with that of the administration of Charles Calvert, the successor of John Hart as Governor of Maryland. In his letter of commission Governor Calvert is described as a cousin of the fifth Lord Baltimore, the Proprietary, whose name was also Charles Calvert.

The exact relationship between the two has never been successfully traced, or the parentage of Governor Calvert ascertained. Most of the known facts bearing upon the subject were given in a note by the late Dr. Christopher Johnston, published in the *Maryland Historical Magazine*, Vol. I., p. 289. They are briefly as follows: On July 10, 1701, Charles, third Lord Baltimore (grandfather of the fifth Baron), out of "affection, special favor, certain knowledge and mere motion," made a gift of a tract of one thousand acres of land in Anne Arundel County, Maryland, to Charles Calvert Lazenby. On September 10, 1709, Charles Calvert Lazenby of the Parish of St. James, Westminster, made a deed of this land to Henry Darnall of Prince George's County; and on November 27 of the same year a commission as ensign in the First Regiment of Foot, or Grenadier Guards, was issued to Charles Calvert, who was promoted to lieutenant and captain, January 18, 1718, and appointed Governor of Maryland, May 17, 1720. Colonel Henry Lazenby was High Sheriff of Anne Arundel County, and in the record of the death of his wife, Margaret, which occurred on August 8, 1722, she is described as the aunt of the Governor.

On November 21, 1722, Governor Calvert was married in St. Barnabas' Church, Queen Anne Parish, to Rebecca, daughter of John and Elizabeth Gerrard. An allusion to the marriage of the Governor appears in his speech to the Assembly at the opening of the session of 1723, and in the response of the Upper House. Under his conciliatory administration the animosities and antagonisms which were rife during the sway of Governor Hart were quickly allayed, so that in his speech

to the Assembly in 1721 the Governor was able to express his great pleasure "that those little heats which lately disturbed you are now happily at an end."

Of the important legislation accomplished during the period comprised in this volume, the session of 1721 witnessed the passage of an Act for Preventing the Making of Trashy Tobacco, and for Bettering the Staple of the Province, and in the following February (1721/2) a special session of the Assembly was called for the purpose of making some amendments to the Act in order to render it more effective. The need for legislation upon this subject was urgent. The quality of the tobacco shipped from Maryland had deteriorated, and its price had consequently declined. Considerable quantities had been condemned in England and ordered to be burned, greatly to the loss both of the owners and of the royal revenues from the import duty. Both the Governor and the Proprietary urged the vital importance of improving the quality of the staple, and as an encouragement thereto the latter consented to continue to accept a duty upon tobacco in lieu of his quit rents upon land, although the duty was levied upon the hogshead and a diminution in the quantity of shipments resulting from the maintenance of a higher standard in quality would correspondingly reduce his revenue.

This reform was, however, unpopular with the representatives of the people, and at the session of 1722, the Lower House made attempts first to repeal, and then to nullify the Act. These efforts were defeated by the Upper House.

The session of 1723 was a prolonged one, and was notable for the enactment of two measures of important constructive legislation; first, the creation of Circuit Courts for the trial of all matters of fact as well as all criminal cases in the counties in which they arose, thus relieving the Provincial Court of its criminal jurisdiction and the people of much hardship from the expense and delay incident to attendance upon that court; and secondly, the passage of an Act for the establishment of a Free School in every county of the Province.¹

In an instruction from Lord Baltimore to the Governor dated March 19, 1722, and laid before the Assembly at the session of 1723, it was denied that the Statutes of England had the force of law in Mary-

¹ The Free School at Annapolis was established in 1696. An Act passed at the session of 1715 for vesting in the Rector, Governors and Visitors of the Free Schools title to certain land in Annapolis, was classed as a private act in the journals and therefore was not included among the laws of the session printed in Volume XXX of the Archives. The text of the Act is given, however, in Bacon's *Laws of Maryland at Large*, being Chapter V of the session laws.

land. This declaration called forth a vigorous protest from the Lower House, where action was taken after the presentation of an exhaustive report upon the subject from a special committee composed of James Stoddert, one of the justices of the Provincial Court, Daniel Dulany, the Attorney General, and John Beale, formerly clerk to the Council and to the Upper House. In apprehension of the position taken by the Proprietary, the Lower House had at the previous session adopted resolutions asserting the right to the benefit and protection of the English law, and a copy of those resolutions was sent to the Proprietary with the address adopted at this session.

The summary dismissal by the Lower House, of Colonel Nathaniel Blakiston, a former Governor of Maryland under the Crown, from his employment as agent of the Province in England, and the criticism of the Proprietary's advisers, contained in the address above mentioned, suggest the possibility that he was deemed in a measure responsible for the Proprietary's pronouncement upon this subject.

The question of the limitation of Officers' Fees had long been a vexed one, and session after session the Proprietary had withheld his dissent to the Act of 1719, urging the Assembly to take action to render it more acceptable to him. Meanwhile a feeling of hostility toward the Upper House, composed of the members of the Council appointed by the Proprietary, had grown up. The Upper House had opposed the Lower House in the measures for improving the quality of tobacco, and had sided with the Proprietary in the matter of the regulation of Officers' Fees, and had sustained the prerogative on other occasions. The hostility of the Lower House was at first manifested in petty ways, but at the session of 1723 it was determined to cut off the allowance made to the Councillors for their services out of Assembly time. This led to a long and acrimonious dispute between the two houses, in which the usual amenities of parliamentary debate were laid aside. Finally the journal of the Committee on Accounts was passed without the customary appropriation, the members of the Upper House reserving to themselves their rights. It was not until this result had been attained, on the last day of the session, that the Lower House passed a bill amending the Act relating to Officers' Fees in a manner acceptable to the Proprietary.

The evils resulting from the importation of convict labor had continued to grow, and at this session an Act was passed for the prevention of those evils, and for the better discovery of convicts when imported. This Act was dissented to by the Proprietary, June 8, 1724,

but his dissent was not communicated to the Assembly until October, 1725. A bill of similar import, passed at the session of 1719, failed to receive the signature of Governor Hart.

An omission in the text of Volume XXIV of the Archives, noted below, was recently observed. Slips to be inserted in that volume for the correction of that error are sent out with this volume.

CORRIGENDUM.

ARCHIVES OF MARYLAND, VOLUME XXIV.

Page 421, tenth line from the foot: After the word "Tobacco" *insert* "per pole in which they shall pay to such Vestry or incumbent five pounds of Tobacco"

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

as held at Annapolis, October 11-27, 1720.

ES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

UPPER HOUSE OF ASSEMBLY

CORRIGENDUM.

ARCHIVES OF MARYLAND, VOLUME XXIV.

Page 421, tenth line from the foot: After the word "Tobacco" insert "per pole in which they shall pay to such Vestry or incumbent five pounds of Tobacco"

Maryland ss.

Att a Sessions of Assembly begun and held at the City of Annapolis in the Province of Maryland on Wednesday the 12th day¹ of Oct^r in the 7th Year of the Reign of our Sovn Lord King George &c. And in the 5th Year of his Lord^{ps} Domⁿ &c Annoq Dom 1720

U. H. J.
Original
p. 1

Present

The hon ^{ble}	{	Col W ^m Holland	L ^t Col Sam ^l Young	} Memb ^s of the Upp ^r house
		Jn ^o Hall Esq ^r	Col Rich ^d Tilghman	
		Henry Lowe Esq ^r	Col M. T: Ward	
		Tho ^s Bordley Esq ^r		

Ja^s Stoddert Esq^r & M^r Edmond Benson from the Lower House accq^t this house that there are A Suff^t numb^r of their house mett to pceed to business

Thereupon L^t Col Sam^l Young is sent down to the Low^r house to Acq^t them that his hon^r the Gov^r being sick the Chan- cell^r on his behalf requires M^r Speaker and the whole house to attend in the Council Chamber Immediately. p. 2

The said Col Young returns and says he delivered his Mes- sage

Thereupon M^r Speaker with the memb^{rs} of that house Attend in the Councill Chamber Accordingly.

Whereupon M^r Chancell^r delivers himself to them as follows Viz.

Gentlemen. His hon^r the Gov^r being Sick has directed me to Communicate to you what follows w^{ch} you are to take as from his own mouth

Gentlemen of the Upper and Lower Houses of Assembly

I have since my Arrivall had an Oppertunity to Lay before my Lord Propr^{ys} Councill the Reasons that Induc'd him to send me hither, and I am Comanded to deliver the same also to you thus Conven'd in their Lordships my Lord Guilfords and Lord Baltemores own words

Gentlemen of the Upper and Lower Houses of Assembly

Baltimore

Guilford We take this Oppertunity by the mouth of our p. 3

U. H. J. wel beloved Charles Calvert Esq^r our Cousen & L^t to acq^t you wth the Reasons w^{ch} have moved us to place him over you

His Approv'd Loyalty and faithfull Service to our Dread Sovⁿ King George

The many Observacons which dureing his ffr^{dship} with us we have made of his kind wishes and hearty Endeavours as much as in him Occasionally lay to make the Interest of the Province & Prop^{ry} one, wthout either Extending our Prerogative or Lessening your Privileges w^{ch}, now we have put power into his hands we doubt not but he will & We strictly Comand him punctually to Ballance

We cann^t omitt Gentlⁿ on this Occasion to Disapprove the late hasty pceedings of Tho^s Brooke Esq^r tho we have Reason to believe he Intended nothing more than our's and your Service thereby; and very much Condemn the malicious Reports and Insinuacons of those who have endeavoured to Disturb the Minds of the good People of Maryland by Suggesting that we had sent a private Com^o to the s^d Tho^s Brooke to take upon him the Governm^t dureing the Residence of our late L^t John Hart Esq^r a Method we scorn to Rule by, And w^{ch} has Induced

p. 4 us to Change our Design of Administring the Governm^t by the Person first nam'd in our Councill & place it as we have done till such time as the Affairs of your Lord and Prop^{ry} will Allow him to reside among you himself or he shall otherwise Dispose thereof, when he hopes to Bury those Seeds of Rancour and Jealousie w^{ch} have too long prevailed among the People & so to Unite their Hearts and minds that the misguided part of the Province Dissenting from our Blessed Establishm^t both in Church and State will peaceably & Quietly Submitt to the Known Laws by his Mild yet due Execucon of them And rest happy under the Indulgence p^mitted to them

In the mean time tis Our peculiar good fortune that his Maj^{ty}s ffaithfull Subjects of the Province have Intrusted the Direction of their Applicacons to the Care of Col Blakiston a p^rson so Constantly attach'd to the Protestant Interest and of such known and Approved Loyalty to the King & Esteem wth his Ministers that we take Pleasure at his Instances to make our Power Conducive to your Happiness

His Hon^r the Gov^{rs} Speech to the Upp^r and Low^r houses of Assembly w^{ch} is as follows Viz.

Gentlemen of the Upper and Low^r houses of Assembly

p. 5 I shall not trouble you myself with Long Harrangues but rather Choose to let time and my future Actions Demonstrate how much I desire the peace and Prosperity of this Province

and that I may Demean myself so (if possible) to Answer his U. H. J. Maj^{ty}s Great goodness in Approveing and my Lord Prop^{rs} Bounty in placing of me in this Station

And as I cann^t more Effectually Shew my Loyalty to Our Sovⁿ Lord King George than in a Steady Adherence to our happy Establishm^t in his Illustrious Line by Encourageing and trusting in the Severall Offices of Government his Majesty's Approv'd and try'd Subjects and keeping wthin due bounds our unhappy Dissenters from it w^{ch} I am Determined to do so I Cannot more Sincerely Shew my duty to our Lord and Prop^{ty} than by Zealously Recomending to your Deliberate and Peacefull Consideration the Severall Matters and things with which I am instructed Copy's whereof I shall Ord^r forthwth to be Laid before you w^{ch} when by your wise Counsell's happily Accomplish'd must necessarily tend to a reale Benefitt and Lasting good understanding Between the Propriet^{rie} & his Maj^{ty}s faithfull Subjects of this Province from whence I hope to make my Government most Acceptable to you.

Gentlⁿ. I have had Experience and felt myself the bennefitt of his Lordships Benign sweet Disposition And I am well acquainted wth his Practice and Steady Resolution in treading in the paths of Justice and Hon^r and I have his Perticular Comands to Assure you that his whole Aim and Study shall p. 6 be to Live wth the good People of Maryland as a Bountifull Indulgent Father would tow^{ds} a dutiful Deserving son, And I affirm if you will do your parts, he will delight himself in doing his

Cha: Calvert

Thereupon M^r Speaker and the whole house wthdraw.

Col Ja^s Maxwell Col Ephr^a. Aug^t Herman and M^r Tho^s Edmondson Memb^s of the Lower House Acquaint this house that they Attend with M^r W^m Clayton a member Elected for Talbot County M^r Stephen Knight a Member Elected for Cecill County and M^r Roger Matthews a member Elected for Baltemore County to see them Qualified

Thereupon the sev^{ll} Oaths Appointed to be taken by Act of Assembly are Administred to the said W^m Clayton Stephen Knight and Roger Matthews who Severally take the sev^{ll} Oaths af^d and Severally signed the Oath of Abjuration and Test according to the Directions of the Act af^d & so they withdraw

Col Richard Tilghman and Tho^s Bordley Esq^r are desired on behalf of this house to return their Thanks to the Rev^d M^r Sam^l Skippon for his Sermon preached this day.

Col Blakiston Agent for this Province [his] Letter directed p. 7 to the Hon^{ble} the Councill and Gen^l Assembly of Maryland

U. H. J. being read in this house the following Message is Prepared
Viz.

By the Upper house of Assembly

Oct^r the 12th 1720

Gent You have herewith a Letter from Col Blakiston the
Agent for this pvince directed to the Gen^l Assembly

You will find thereby how Solicitous he has been in the
transacting the Affairs of Maryland And Doubt not but you
will Return him an Agreeable Answer

Signed p Ord^r Joh Beale Cl. Up. ho.

Sent to the Lower house by Col Young who returns and
Says he delivered the same

M^r Benson and M^r Clayton from the Lower House deliver
Col Holland the following Message Viz.

By the Low^r house of Assembly

October the 12th 1720

May It please Y^r Hon^{rs}

This House in ord^r to Dispatch Business as much as in them
Lyes have Entred a Resolve to sitt from nine of the Clock in
the forenoon till four of the Clock in the Afternoon And
Desire to know whether the Time's Appointed be Agreeable to
y^r Hon^{rs}

Signed p Ord^r Mic Jenifer Cl Lo Ho.

p. 8 Whereupon It's Resolved by this house that the following
Message Be prepared Viz.

By the Upper House of Assembly

Oct^r the 12th 1720

We aprove of your Proposals as to your Times of Sitting.

Signed p Ord^r Jⁿ Beale Clk Up ho.

This House Adjourns untill to Morrow morning at Eight a
Clock

Thursday Morning Oct^r 13th 1720

This House meett according to Adjournm^t

Present

Col W^m Holland
L^t Col. Sam^l Young
Phil Lloyd Esq^r
Col Rich^d Tilghman

Henry Lowe Esq^r
Col Matt T. Ward
Tho^s Bordley Esq^r

The Message prepared last night about the times of Sitting U. H. J. in ans^r to the Low^r houses Message sent to that house by Esq^r Lloyd who returns and says he delivered the same

Col W^m Holland Chancell^r Communicates to this house on p. 9 behalf of his hon^r the Gov^r these following Articles of Instructions from the R^t hon^{ble} the Lords Baltimore and Guilford bearing date the 30th June 1720. The second Article thereof is as follows Viz.

And you are Immediately to put in Execution (as much as in you Lies) our late Instructions of the 30th of December 1719 directed to be Observed by the said John Hart as Effectually as if they were directed to your Self And you shall use your Utmost Endeavour wth the Generall Assembly (which you are hereby Directed to Call together wth the Advice of our Council as soon as Conveniently may be) that the Severall matters and things by us in our late Speech Recomend^d to them may be Complied wth if any of them shall remain unfinished upon your Arrivall Duplicates of w^{ch} Instructions & Speech we have herewth Delivered you

The third Article thereof is as follows Viz.

Whereas by Act of Assembly 3^d p^h h^d is given to Jn^o Hart Esq^r so long as he shall Continue Gov^r in and over our Province of Maryland Reciting among other Things in the Preamble of the said Act the great hopes and Expectation's the Generall Assembly had of his good Government.

And whereas the Generall Assembly have lately addressed themselves to us in Relacon to the Support of the Free School Built at Annapolis And we having Signified our Intentions p. 10 With their Assistance to promote so good an Undertaking cannot think it will be unacceptable to a People so well Dispos'd that a moyety of the said three pence should be applyed towards the Maintenance of the said School and the other Moyety should be given the Gov^r for the time being the Better to Encourage him from time to time to see the same usefully Applyed and to Induce him by all other Methods that may Offer to bring to Perfection so pious a Design or at least that you the said Charles Calvert shoud enjoy the said Moyety being Confident that you will in all things Answer our Wishes not doubting But the Hopes and Expectations of the good People of Maryland will be as fully answerd by your good Government as by any that have gone before you, It is therefore our Desire that the Same be so Apply'd

U. H. J. And also the following Instructions Viz.

Orders and Instructions to be Observed and pursued by John Hart Esq^r our L^t Governour of the Province of Maryland and In his Absence by the first Person of our Council for the time Being.

Given by us at London this 30th day of Decemb^r Anno Domini 1719

p. 11 1st We herewth send you a Copy of a Letter directed to my Lord Guilford from the Lords Com^{rs} of Trade and Plantations relating to the Boundaries of Maryland, and likewise a Copy of their Letter concerning the Manufacturing of Pitch and Tarr together wth a printed Copy of the Act of Parliament and a Copy of the Certificate to be given by the Officers of the Customs and also a Copy of An Account of the method practised in Muscovy for makeing Tarr and Rules for makeing hemp mentioned in the said Letter And we do hereby direct and Require that you the said Jn^o Hart and in your Absence the person first named of our Council for the time being, do take such Ord^r and Give such Directions to the Proper Officers or persons most capable to Perform the same that the perticulars desir'd in the said Letter relating to the Boundaries may in the best Manner possible Answer his Majesty's Service, and the Benefit of the Plantations And that you return the Account thereof to us, And you are hereby further Required and Directed to Make known to the Manufacturers of Pitch and Tarr the Encouragement Designed them, and the Benefitt propos'd to this Kingdom, and the Plantations

p. 12 2^{ly} Att the next Sessions of Assembly you shall Lay before the Upper and Lower houses our Speech herewith Transmitted to you, In Answer to their Address and you shall use your Endeavours that the Severall Matters therein Recommended Bee Complied wth, we Verily Believing Every one of them Advantagious and profitable for the Publick

3^{ly} Whereas It has been found Inconvenient and almost impracticable by the ill health which you the said Jn^o Hart and your Family have Labour'd under to Leave the Province in that Season of the year which by our former Instructions you were Appointed to do, you are hereby Impower'd to remain in itt till May next, If you think fit according to the Desire in your Letter of the 4th of Last July but that Neither his Maj^{ties} Goodness in approving at our Request of your departure on the Account of your health, nor our Lycence permitting you to come Into England Granted at your own most Earnest Sol-

p. 13 licitations may become Useless

We now positively Command and require that you the said U. H. J. John Hart do Leave the Province sometime in the month of May at furthest, which shall be in the year of our Lord One Thousand Seven hundred and Twenty Whereby you will have the better opportunity to Explain, and Justifye those Other Reasons, w^{ch} you presume his Maj^{tye} is not unacquainted wth for your Desiring to Return and We to Maintain, that there is nothing due to you by the Law for the Support of Government, w^{thout} having Given the Least ground to Imagine, that his Majestye's Grace & favour Intended to you is Evaded by totally removing you from your Office, Instead of giving you Leave to be Absent from it (w^{ch} we shall do, when we think fit) a most unadvised (to give it no worse a Term) Declaration of yours on the Opinion of our Councill given, that by the said Law there is no Provision made for you during your Absence In w^{ch} time, we will rest Assur'd; that the good people of Maryland bound by their Allegiance to his Majestie and the Duty they owe to us, and themselves will so Unanimously and Stoutly assist those, in whose hands we with his Majestyes Approbation have thought fit to Entrust the Administration of the Government, that In Case foreign Invasion Insurrection, famine or further Instructions from Great Britain, the peace of the Province will be duely Maintain'd And Every man's Property protected. p. 14

4. As soon as Conveniently may be after the receipt hereof our will is that these our Instructions be Laid before our Councill solemnly Called together to be Enterd on their Journalls, And the Person first named of our Councill takeing upon him the Administration of the Government Dureing the Absence of the said John Hart our Lieutenant governour, To whom we have sent a Duplicate hereof, is hereby Impowerd to do and Execute the severall powers and Instructions now and formerly sent or hereafter to be sent, as Occasion and his Duty shall require

Guilford
Baltimore

And Also the following Speech w^{ch} was communicated wth the Instructions Last mentioned Viz.

Gentlemen of the Upp^r and Lower Houses of Assembly
Baltimore

p. 15

Guilford On due Consideration of the Act of Assembly Entituled an Act for ascertaining bounds of Land within this Province, we find it absolutely necessary to Recommend to you

- U. H. J. to Explain or reenact the said Law that whilst you are Endeavouring to Secure and Quiett men In their Possessions you do not bind them Down to the Determination of Comissioners to be appointed by Virtue of the said Act, as to make their Sentence finall wthout Appeale (Except Conditionally to his Majestie in Councill as by the said Act is provided, To whose sacred person Every man ought to be at Liberty to Address themselves wthout our Intermedling therewith by Acts of Assembly) Whereby in a Manner you Even Shutt up the Courts of Justice w^{ch} can never Correspond with the Liberty of a free people or bee deemed Consonant to the Laws of Great Brittain the Standard by w^{ch} we are all Obligated to govern our Councils.

Among the Severall Laws made at a Sessions of Assembly in
 p. 16 May Last we have thought fitt to Dissent to the Act Entituled an Act for the Relief of John Beale of Charles County Gentlⁿ And Richard Beale a minor and do hereby Declare the same Null Void and of no Effect for as much as the Legislature of great Brittain never Interferes to dispose of property without Consent of all Parties leaving Every man's right to be rul'd by the known Laws of the Land.

And as we Can never more Certainly demonstrate the real Confidence we have in the Good people of Maryland, than by freely Communicating our Sentiments on the Proceedings of you their Representatives, We now Signify that Altho we have not yet Dissented To the late Act made for Limitation of Officers fees, Yet we Cannot in our Judgments approve thereof Well Knowing that It is Neither for our Honour or the Peoples Interest in the Dispatch of their Business that Publick ministers should be deprived of those Allowances which by the Law they have Enjoyed And which ought not Onely to
 p. 17 be Suff^t to pay them for their Labour, but Large Enough to Encourage Endustry and Integrity in men of Ability to Administer the Affairs of the Government whether actually residing wthin the Province or Attending the Person of your Lord and Proprietary where ever he is. Gentlⁿ. The Ease we find in the Receipt of the Severall Dutys on Tob^o Settled in lieu of our Quitt Rents and Alienation Fines and the Better to Enable us to Support our Government whereby you are protected together with the great Benefitt and Advantage the Poorer and more numerous part of the Inhabitants of our Province reap from thence In the non payment of their rents as reserved has Induced us for the Common Good to Consent and recomend to you to pass a Law for the Continuance of the Act Entituled an Act Ascertainig the Gauge and Tare of Tob^o hh^{ds} & to continue & remain in force for three years to

Comence from the Expiration of the said Act whereby the U. H. J. aforesaid Duties arise and we Cannot think you need be put in mind to Continue the Act for regulateing of Ordinaries for the reasons among many others recited in the preamble Thereof

We are much Concerned Gentl that you our Friends and Tenants his Majesty's good Subjects can have no Expectation of benefit from the Duty of one penny p pound laid on Tobacco transported from Plantation to Plantation his Late p. 18 Majesty King William (of Glorious Memory) having by Letters Patents Under the great Seale of England Setled the same for Ever on the College of Virginia, but do not Doubt wth your Assistance by our own power to Establish Such a fund for Encouragem^t of Learning in Maryland as not only to ans^r the very Pious and worthy Designe of Supporting the Free School already built at Annapolis but to make it so Effectually usefull that your own Children there made Capable may reap the Advantage of Dischargeing the severall Offices of Government both in Church and Estate to the Conversion of your Neighbours and Fellow Citizens from the superstition of the Church of Rome And to the manifest good of us all in the Equall Distribution of Justice

Whereupon the following Message is Prepared Viz

By the Upper house of Assembly

October the 13th 1720

Gentlemen. You have herewth sundry Instructions and their Lordships Speech that Was Layd before you last Assembly which his Honour the Gov^r in pursuance of their Lordships Commands Communicated to us & has Likewise Required p. 19 the same to be layd before you

Signed p order Joh Beale Cl Up ho.

James Bowles Esq^r being Sent for Appears in this House And thereupon he is Desired to Qualifie himself as one of the Members of his Lordships honourable Councill of State of this Province by takeing the severall Oaths required to be taken by Act of Assembly as Alsoe the Usuall Oath of Councillor which several Oaths the s^d James Bowles takes And Signes the Oath of Abjuration and Test According to the Directions of the Act af^d And takes his place in this house Accordingly

The House Adjourns untill the Afternoon.

U. H. J.

Post Meridiem

The house meet According to Adjournment

Present

Col W ^m Holland	Henry Lowe Esq ^r
L ^t Col Sam ^l Young	Col Matt Tilgh: Ward
John Hall Esq ^r	Thomas Bordley Esq ^r
Philemon Lloyd Esq ^r	James Bowles Esq ^r
Col Richard Tilghman	

p. 20 The message prepared in the forenoon relateing to the Communicating the Instructions and Speech Aforemenconed to the Low^r House is Sent with the said Instructions & Speech to that house by Col Tilghman Esq^r Lowe and Col Ward

Who return and Say they Delivered the same

This house Adjourns untill to morrow morning 9 a Clock

Friday morning October the 14th 1720

This house meet according to Adjournment

Present

Cpl. W ^m Holland	Henry Lowe, Esq ^r
L ^t Col. Samuel Young	Col Matthew Tilghman Ward
Col Tho ^s Addison	Thomas Bordley Esq ^r &
Col Richard Tilghman	James Bowles Esq ^r

Capt John Fendall and M^r George Dent Two members. of the Lower house Acquaint this House that they Attend with M^r Alexander Contee a member Elected for Charles County to see him qualified; Thereupon the Severall Oaths appointed to be taken by Act of Assembly Is Administred to the said
p. 21 Alexander Contee who takes the Severall Oaths aforesaid and Signed the Oath of Abjuration and Test According to the Directions of the Act aforesaid And so they wth Draw.

The following Message is prepared Viz

By the Upper House of Assembly

October the 14th 1720

Gentlemen. Observing many Inconveniencies to Attend the Act Entituled an Act to Limitt the Continuances of Actions in Severall Courts wthin this Province and Ascertainning the manner of takeing the Evidence of Sea faring men, And for granting Appeals from the Chancery Court to the Gov^r and

Councill we propose it to your Consideration if it may not be U. H. J.
Adviseable to repeale or amend the s^d Act so far as itt relates
to the Limitation of the Continuance of Actions.

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent to the Lower House by Thomas Bordley & James
Bowles Esq^r who return and Say they Delivered the same
The following message prepared Viz.

By the Upper House of Assembly

October the 14th 1720

Gentlemen. Having duly Considered the 3^d Article of the
Governours Instructions (a Copy whereof hath been sent
you) and having perused our Joynt Address made last Ses-
sions to the Lords Baltemore and Guilford We find amongst
other things therein that we gave their Lordships our Promise
that we should with great Alacrity Embrace any opportunity
that their Lordships should favourably Offer to so good and p. 22
pious an End as the propagation of Schools.

We presume you will Esteem this Article as a favourable
Offer to that Good End and that you will proceed Accordingly

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent to the Lower house by Col Young and Col Addison
who return and Say they Delivered the same

This house adjourn untill nine of the Clock to morrow
morning

Saturday morning October the 15th 1720

The House meet according to Adjournment

Present

Col William Holland	Col Richard Tilghman
Col Samuel Young	Henry Lowe Esq ^r
John Hall Esq ^r	Col Matt. T. Ward
Col Tho ^s Addison	Thomas Bordley Esq ^r
Philemon Lloyd Esq ^r	James Bowles Esq ^r

M^r Crabb and M^r Earle from the Lower house deliver Col
Holland the following Message Viz.

By the Lower house of Assembly

October the 14th 1720

May It please Your Honours

p. 23

In Answer to your Message of this Day by Thomas Bordley
and James Bowles Esq^{rs} on the Act to Limitt the Continuance

U. H. J. of Actions &c. this House having Examined into the Law Cannot perceive any Inconveniences to Attend itt but if any there be (as your House hath observed) we Desire you'l Communicate them to us, that we Likewise may Consider thereof

Signed p Ord^r M Jenifer Cl Lo Ho.

Col Maxwell and M^r Taylor from the Lower house Deliver Col Young A Bill for repealing an Act of Assembly of this Province Entituled an Act prohibiting the Importation of Bread Beer Flower Malt, Wheat or Other Indian or English Grain, or Meal Horses Mares, Colts or Fillies from Pensilvania and the Territories thereto Belonging.

Being read is thus Endorst Viz

By the Upper House of Assembly

October the 15th 1720

Read the first Time and ordered to be read againe on Monday Morning

Signed p Ord^r Jn^o Beale Cl Up ho.

The following Message Prepared Viz.

By the Upper House of Assembly

October the 15th 1720

Gentlemen. The Inconveniences that Arise on the Act to
 p. 24 Limitt the Continuance of Actions &c. or some of them we
 Doubt not will be made Evident to you by the observation of
 such Magistrates and Other Court Officers as sitt in your
 House but by those of this house that are Concern'd in Courts
 we are very well satisfied that there are great Injuries done the
 Subjects by the Necessity the Courts are Laid under of Give-
 ing Judgments Against such as are hindered in there Causes
 by the mere hand of Providence Viz. Sicknes of Magistrates
 or Other Officers or of the Partys or their Evidences or other
 unforeseen and Inevitable Casualties, of which we have some
 remarkable but Melancholy Instances, which Bring Concern
 on the Judges Obliging them by Law to doe Injustice force
 Injuries and oppressions on The Subjects by there being Con-
 demn'd if Defendants to the payment of unjust Demands or
 Loosing their Inheritances and bring profit to none but the
 Att^r^{nys} and Officers by Obliging the Injured if Plaintiffs to a
 Renewment of their Suits.

We further Observe that the Last Provinciaall Court tho
 itt Continued Constantly sitting till The Saturday night before

the Laying the Levy Except a piece of a Day when They ^{U. H. J.}
were Comanded To Attend the Governour on a Publick oc- ^{p. 25}
casion yet they have not been able to finish those Accons that
must fall by that Act if not try'd this next week in w^{ch} Cases
where neither Plaintiff or Defend^t were Causes of the Delay
But booth Desirous to come to tryal could the Court have
heard them, there is no Provision by that Act what Judgment
ought to be renderd and we think it unreasonable that Either
parties should suffer in such Cases.

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent to the Lower house by Jn^o Hall and Philemon Lloyd
Esq^{rs} who return and say they Delivered the same
The House Adjourns untill Monday morning nine a Clock

Monday Morning October 17th 1720

This house meet according to Adjournment

Present

Col W ^m Holland	Col Rich ^d Tilghman
L ^t Col Sam ^l Young	Henry Lowe Esq ^r
John Hall Esq ^r	Col M. T. Ward
Col Tho ^s Addison	Tho ^s Bordley Esq ^r &
Philemon Lloyd Esq ^r	James Bowles Esq ^r

The bill Repealing an Act of Assembly of this Province ^{p. 26}
Entituled an Act prohibiting the Importation of bread Beer,
Flower Malt &c. being read is ordered to be thus Endorst Viz.

By the Upper House of Assembly

October 17th 1720

This bill on the second Reading Will not Pass

Signed p Order Jn^o Beale Cl Up ho.

The Petition of Tho^s Mannying to this house &c. being read
is Ordered to be thus Endorst Viz.

By the Upper House of Assembly

October the 17th 1720

The w^{thin} Pet^o being Read the Consid^a thereof is refer'd to
the Lower House

Signed p Ord^r Jn^o Beale Cl Up ho.

U. H. J. The Aforegoing bill with the Petitions of Tho^s Manning
Sent to the Lower House By Col Richard Tilghman.
The House adjourns untill to morrow nine a Clock

Tuesday Morning October the 18th 1720
The House meet according to Adjournment

p. 27

Present

Col W ^m Holland	Henry Lowe Esq ^r
L ^t Col Sam ^l Young	Col. M. T. Ward
John Hall Esq ^r	and
Col Rich ^d Tilghman	James Bowles Esq ^r

Col Richard Tilghman says that he has Delivered the bill
for repealing the Act prohibiting the Importation of Bread
&c. and the Petⁿ of Thomas Mannyng Order'd to be sent down
to the Lower house Last night by him

M^r Phil Lee with three others from the Lower House De-
liver Col Holland the following Message, Viz.

By the Lower House of Assembly October the 18th 1720

May it please your Honours. On Considering the third
Article of the Governours Instruction Communicated to us
And in Answer to your Message of the 14th Instant by Col
Young & Col Addison & to Demonstrate as well, our Readiness
to Embrace this Favourable Opportunity offered by their
Lordships for the propagation of Learning as to Shew our
Respect to his honour the Gov^r and the great hopes and Ex-
pectations we have of his Honour's Good Government.

p. 28 We have resolved that the Sume of three half pence p hh^d
be raised on all Tobacco Exported out of This Province, to be
Applied to the Use of Free Schools to be Erected in the sever-
all Countys wthin this Province in the same manner as The
Twenty shill^s Current money p poll on negroes is applied And
have also Resolved, That the Sume of three halfe pence more
be raised for the Use of his honour the Governour (if he shall
be pleased to accept Thereof) to Continue till the 29th day of
Sept next

With w^{ch} if your house Concurrs a bill may be prepared
Accordingly

Signed p Order Mich Jenifer Cl Lo. Ho.

Col Mackall wth three Others from the Lower House U. H. J.
Deliver Col Holland the following Message Viz.

By the Lower House of Assembly

October the 18th 1720

May It please your honours

We have Considered The Inconveniencies mentiond in your
Message of the 15th Instant That arise on the Act to Limit the p. 29
Continuance of Actions And have Enterd a Resolve (on our
Journall) to bring in a Bill or a Supplementary bill to that Act
whereby further time shall be given to the Severall Courts of
Law in that Act menconed Viz to the End of the fourth Court
after an Appearance Enter'd. With which if your house
Agree a bill accordingly May be prepared.

Signed p Ord^r Mich. Jenifer Clk. L^o. Ho.

The following Message prepared by this house Viz.

By the Upper House of Assembly

October the 18th 1720

Gentl. We Agree wth your Message by M^r Lee and three
Others of your house as to the Raiseing and applying the 3^d
p hh^d but propose it to you that the Bill to be brought in Con-
tinue as Usual to Other Governours.

Signed p Order John Beale Cl Up ho.

Sent to the Lower House by Col Ward and Esq^r Bowles
who return and Say they Delivered the Same

M^r Tyler and five Others of the Low^r house Deliver Col
Holland the following Message Viz.

By the Low^r house of Assembly

p. 30

October the 18th 1720

May It please Your Hon^{rs}

This house having Considered the Act for Ascertaining
the Bounds of Land wthin this Province are Come to the fol-
lowing Resolutions thereon for the Amendment of that Law
w^{ch} we Communicate to your Hon^{rs} Viz.

That the number of the Commissioners on the first View
be but five Each of Them a Freeholder to be Elected By the
Majority of freeholders in each County on the second day
of next November Court and so Every Year successively who
Upon a Representation of such theire Election from the Sherr
are to be Commissōned by the Governour for the Time being

U. H. J. That Appeals be granted And that three persons in Each County be Elected in manner Aforesaid on the time aforesaid when the Other Comissoners are Elected who are to be Comissioned as above and to receive all Such Appeals as upon Notice given them by the Partie Appealing at the next County Court after the determinacon of the first View shall come before them And upon such Notice given them to Appoint a time not Less than three weeks after to meet on the Lands in Dis-
 p. 31 pute And then to give due Notice thereof to all Persons concern'd at which time so to be Appointed they May proceed to heare and Determine the Dispute and Give Judgment thereon which Judgment shall be Finall. That the severall Comissions Continue but for one year.

That the Sherr give Publick Notice of the Elections as usuall on Electing Delegates Ex Officio

That every Comissioner accepting of the Comission and Qualifying himself as a Comissioner And shall afterwards refuse to give his Attendance as a Comissioner on any Dispute that shall lye properly before him. shall be fined five hundred pounds of tob^o to the use of a Publick School in the Severall County were the same shall arise unless Reasonable Cause be shown to the Contrary to be allowed by the Comissioners

That the severall Petitioners to this Assembly be Relieved by a Clause to be Added to this Bill by giving them the Bennefitt of the Appeale here Provided.

p. 32 That Each Comissioner on both Comissions be allowed one hundred pds of tob^o for Every day they shall attend on the Land in Dispute

That none of the Comissioners who have formerly been Comissioners on any Dispute on the first Survey be again Comissioners on an Appeale

That in Case any of the Comissioners shall dye durement the Continuance of their Comission or be Interested in the Dispute or Related to the Contending parties that then the Comissioner or Comissioners so surviveing not being Interested or Related as above with the Approbation of the Contending Parties may make Choice of some other psons to Supply such Vacancy but in Case the Contending Parties will not Joyn in or Cannot Agree to the Choice of such other psons as af^d that then such Comissioner or Comissioners Qualified as af^d shall be Empowered to make the Choice

Signed p Order M. Jenifer Cl Lo. Ho.

p. 33 The House Adjourns untill to morrow Morn nine a Clock

Wednesday Morn Oct the 19th 1720

U. H. J.

This House meett According to Adjournment

Present

Col Young	Esq ^r Lowe
Esq ^r Hall	Col Ward
Col Addison	Esq ^r Bordley
Col Tilghman	Esq ^r Bowles

The following Message Prepared by this house

By the Upper house of Assembly

Oct^r the 19th 1720

Gentlemen. We Concurr wth your Message by Col^o Mackall wth three others of your house in the time you Propose for Continuance of Actions in the Courts of Law, But Recommend that regard be had as well to Actions already Comenced as those that may hereafter be Comenced for that Sev^{ll} Actions now Depending will be Discontinued or Judgements p. 34 given therein as the nature of the Case requires by Vertue of the Act as It now Stands unless relief be Provided by the bill now proposed to be brought In

Signed p Ord^r John Beale Cl Up ho.

Sent Down to the Lower house by Col Young & Esq^r Hall Who return and Say they Delivered the same

Cap^t Crabb & Cap^t Johnes from the Lower House Deliver Col Holland

A bill for the Naturalization of John Peter Zenger of Kent County Printer and his Children

Which is thus Endorst Viz.

By the Lower House of Assembly

October the 19th 1720

Read the first and Second times by Especiall Order and Will Pass.

Signed p order M Jenifer Cl. Lo. Ho.

The Petition of Richard Bennett and Thomas Bordley Attorneys of W^m Matthew Esq^r And alsoe of Josias Middlemore of Baltemore County Directed to the honourable Capt. Gen^{ll} & the Upper & Lower Houses of Assembly

U. H. J. Being Read Is Ordered to Be Thus Endorst Viz.
p. 35

By the Upper House of Assembly

October the 19th 1720

The Consideration of the within Petition is Recomend to
the Lower House

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent downe to the Lower House by Thomas Bordley Esq^r

The Pet^o of Aaron Rawlins of Ann Arundell County Directed to the Honourable The Upper and Lower Houses of Assembly. Whereon Thomas Bordley Esq^r Acts as Councill for the Peto^r by the Leave of this House w^{ch} Petition being read is Ordered to be thus Endorst Viz.

By the Upper House of Assembly

October the 19th 1720

The w^{thin} Petition is refered to the Consideration of the
Lower House

Signed p Ord^r John Beale Cl Up ho.

This House Adjourns until to Morrow Morning nine a
Clock.

Thursday Morn Octob^r 20th 1720

p. 36 The House meett according to Adjournment

Present

Col ^o Holland	Col Tilghman
Col Young	Col Ward
Esq ^r Hall	Esq ^r Bordley and
Col Addison	Esq ^r Bowles

Thomas Bordley Esq^r Returns that he has Delivered the Petition of Richard Bennett Thomas Bordley and Josiah Middlemore to the Lower house w^{ch} was ordered to be sent down to that house last night

The Bill for the Naturalizacon of Jn^o Peter Zenger of Kent County Printer & his Children is thus Endorst Viz.

By the Upper House of Assembly

Oct^r the 20th 1720

Read the first time and will pass pvided the w^{thin} John Peter Zenger Qualifies himselfe by takeing the severall Oaths Required by Law

Signed p Order Jn^o Beale Cl Lo ho.

Mr Tyler & Mr Crabb from the Lower house deliver Col U. H. J. Holland a Bill for the Reliefe of Marreen Duvall a languishing Prisoner in Prince Geo County w^{ch} is thus Endorst Viz.

By the Low^r house of Assembly

Oct^r the 20th 1720

Read the first and Second Time by Esp^{ll} Order and will pass

Signed p Ord^r M Jenifer Cl Lo Ho.

The bill for Naturalization of John Peter Zenger and his p. 37 Children and the Pet^o of Aaron Rawlins sent down to the Lower House by Col Addison who Returns and Says he delivered the same

Mr. Tyler and Mr. Crabb from the Lower house Delivered Col^o Holland

A Bill to Confirm a Deed of bargain & Sale from Fran^s Swanson to Thomas Plumer w^{ch} is thus Endorst Viz.

By the Lower house of Assembly

October the 20th 1720

Read and will pass with the Within amendm^{ts}

Signed p Ord^r M Jenifer Cl Lo Ho.

The following Message prepared Viz.

By the Upper House of Assembly

October The 20th 1720

Gentl. We have Considered your Resolutions for the Amendment of the Land Law and find by your first & second Proposals you give the Appointment & nomination of the Judges in Land Affairs intirely to the Voice of the People rendering The prerogative in that part onely usefull so farr as tis ruled & directed by their Election w^{ch} seems to be treating the prerogative in so Servile a maner as we Cannot Consent to.

This we Conceive Would Extend Privilege Beyond its Proper Limits which must necessarily be attended wth many Inconveniencies amongst which may be Consider'd the Continuall Interests that would be annuallly made by Designing persons to have their favourites preferred and the partiality that might be Occasioned thereby The Controvercies, Animosities, factions Parties that such Elections would be too apt to propagate, the Inconveniency of having frequently new p. 38

U. H. J. Judges in Land Affairs whereas the Long Continuance of the same Judges and the Experience they gain thereby may be of Great use to the right Determination of such suits also the Charge of Annual Comissions & Annual Elections with others too Numerous for us to particularize but yet too Obvious to Escape Your Notice

We therefore rather Choose to recomend to your Consideration the preparing a Supplementary bill to the Act now in force wherein Provision may be made to Oblige the Comissioners that Qualifie themselves to Attend their Duty

To relieve all those that apply for reliefe by Allowing Appeals to a proper Court to be Erected on Each Shoar as well as to all others from any Judgments that shall hereafter be given

And to Explaine all Doubtfull Expressions In the Law Now In force And add All Other Amendments of such Obvious
p. 39 Defects as have Appeared on putting the same Law In Practice.

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent down to the Lower house by Esq^r Hall Col Ward and Esq^r Bowles who return & say they Delivered the same

The bill to Confirme a Deed of bargain and Sale from Fran Swanson to Thomas Plumer being read is thus Endorst Viz.

By the Upper house of Assembly

October the 20th 1720

The within bill being read wth the Amendments Will pass.

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent to the Lower house by Col. Young who returns and says he Delivered the same

M^r Dashiell & M^r Caldwell from the Lower House Deliver Col Holland.

A Bill for Confirming the Last will and Testament of William Bozman of Somersett County deceased w^{ch} is thus Endorst Viz.

By the Lower House of Assembly

October the 20th 1720

Read the first and Second times by Especial order & will pass Nemine Contradicente

Signed p order M Jenifer Cl Lo. Ho.

M^r Benson wth five Others from the Lower house Deliver U. H. J.
Col Holland the following Message Viz. p. 40

By the Lower house of Assembly

October the 20th 1720

May It please your honours

We Have Considered your Message of this day by John Hall Esq^r and two Others of your honourable Members And have Altered our former Resolucons on the Act for Ascertain-
ing the bounds of Land And Agree that a Supplementary
bill be brought in, to that Act wherein Provision may be made
to Oblidge The Comissioners that Qualifie themselves to At-
tend their Duty

That Three persons in Each County be Appointed by the
Governour Who are to hear and Determine Appeals from
the Com^{rs} on the first View, and to Determine all such Peti-
tions as now lye before this house Complaining of any the
Decrees of the Land Com^{rs} wth w^{ch} if your house Agrees the
bill may be prepared

Signed p Ord^r M Jenifer Cl Lo Ho.

The House adjourns untill to morrow morning nine a Clock

Friday October the 21st 1720

The house meet according to Adjournm^t

Present

Col Holland	Col Addison
Lt. Col Young	Col Tilghman
Esq ^r Hall	Col Ward
and Esq ^r Bowles	

M^r Lee and M^r Dashiell from the Lower House Deliver p. 41
Col Holland

A bill for Confirmation of Certaine deeds of Sale to W^m
Matthew Esq^r of Lands in Baltimore County

The pet^o of Tho^s Larkin and Tho^s Bordley prefered to this
house Last Sessions about the publick pasture of the City of
Annapolis being now read is thus Endorst Viz.

By the Upper House of Assembly

October the 21st 1720

This Pet^o being preferred Last Sessions to this House was
read but by the Intervening of Other business It was omitted

U. H. J. to be then Proceeded on And is therefore now recomended
to your Consideration

Signed p Ord^r Jⁿ Beale Cl Up Ho.

Sent to the Lower House by Col Addison who returns and
Says he Delivered the same.

The following Message prepared by this house

By the Upper house of Assembly

October the 21st 1720.

Gentlemen. We Concurr wth your Message by M^r Benson
& five others of your house in answer to ours relating to a
Supplementary bill to be prepared to the Land Law. And doe
further think it necessary that a Clause be incerted in that bill
providing that in Case any one of the Com^{rs} made Choice of
p. 42 to Determine any Controversy about the bounds of Land
should die before the same is determined the parties May then
have a Liberty to make another Choice to Supply that Defect
tis Likewise necessary to provide that in Case any of the
Com^{rs} to be Appointed in the Severall Countys for hearing
Appeals should happen to be Interested in The Lands or any
wayes related to the Partyes who are Interested Therein upon
any Appeale made to them how that defect shall be supplied
which we think may be refered to the Choice of such Com^r or
Com^{rs} that are not related

Signed p Order Joh Beale Cl Up ho.

Sent to the Lower house by Col^o Tilghman and Col Ward
who return and Say they Delivered the same

The following message prepared by this house

By the Upper house of Assembly

October the 21st 1720

Gentlemen. This Sessions as we hope drawing near a Con-
clusion we desire to know your resolutions on the Revenue
bill and the Other matters proposed to you by his Lordships
second Instruction

Signed p Ord^r Joh Beale Clk Up ho.

Sent down to the Lower house by Esq^r Bowles who returns
and Says he Delivered The same

p. 43 The bill for Confirmation of Certain deeds of Sale to Wil-

liam Matthew Esq^r of Lands in Baltemore County Being read U. H. J.
is thus Endorst Viz.

By the Upper House of Assembly

October the 21st 1720

Read and Will Pass

Signed p Order Joh Beale Cl Upper Ho.

Sent down to the Lower house by Esq^r Hall who returns
and Says he Delivered the same

The bill for Confirming the last Will and Testament of
William Bozman of Somerset County Deceased
Being Read is thus Endorst Viz.

By the Upper House of Assembly

October the 21st 1720

This bill being read it is observed by this house that a bill
to the same purpose was Dissented to Last Sessions by the
Governour, after passing both houses, and this being a new
bill are Therefore of Opinion that It ought not to be now past
without due notice given to the heir at law, but be refered to
the next Sessions that notice be given Accordingly.

Signed p Ord^r Joh Beale Cl Up ho.

The Petition of Merrick Ellis to this house wherein he prays
he may be heard by his Council before the passing of the fore-
going bill &c. being read is thus Endorst Viz.

By the Upper House of Assembly

October the 21st 1720

This Pet^o refered wth the Bill whereto it relates to the next
Sessions

Signed p Ord^r Joh Beale Cl Up Ho.

W^{ch} bill with the pet^o sent to the Lower house by Col Young
who returns & Says he delivered the same

p. 44

Col Herman & Mr. Dare from the Lower House deliver
Col Holland A Bill Investing an Estate of Inheritance in
fee simple of twelve hundred Acres part of a Tract of Land
Called New Munster lying on the Elk River in Cecill County
in Richard Thatcher in Cecill County to him and his Heirs &
Assigns forever And three hundred Acres more part of the
said Tract of Land Called New Munster in Peter Massey

U. H. J. and Sarah his wife to them and their Heirs for Ever which is thus Endorst Viz.

By the Low^r house of Assembly

October the 21st 1720

Read the first and Second Times by Especial Order and will pass

Signed p Ord^r M. Jenifer Cl Lo Ho.

Jno Rousby Esq^r with three others of the Lower House deliver Col^o Holland A Bill for Raising a Duty of three pence p hh^d on all tob^o Exported out of this pvince for the uses therein menconed which is thus Endorst Viz.

By the Lower House of Assembly

October the 21st 1720

Read the first and Second times by Esp^l order and will Pass

Signed p Order M. Jenifer Cl Lo Ho.

Capt. Fendall and M^r Dent from the Lower House deliver Col^o Holland

A Bill for the Supplying the Defect in the Last will and Testament of James Walker dec^d And for Setling the Lands therein Devised upon the Vestry and Church Wardens of W^m and Mary Parish in Charles County for the Uses therein Expressed with the Pet^o and Copy of the said Walkers Will w^{ch} Bill is thus Endorst Viz.

By the Low^r house of Assembly

October the 21st 1720

Read the first and Second time by Esp^l Order and Will pass

Signed p Ord^r M Jenifer Cl Lo. ho.

p. 45 The bill for raiseing a Duty of three Pence p hh^d on all Tob^o Exported out of this Province for the Uses therein Menconed, Being read is thus Endorst

By the Upper house of Assembly

Oct^r the 21st 1720

Gentlⁿ. Since you have not thought fitt to take Notice of our Message of the 18 Instant by Col Ward & Esq^r Bowles proposing the Continuance of this Bill, as usuall, We are Content that the same do pass with the following Amendments Viz. Instead of the Words in the Parenthesis (over & above

the one Shill p^h heretofore granted for the Support of U. H. J. Governm^t here) these following Viz Over & above the duties already Imposed on the Export of tob^o

Signed p Order Joh Beale Clk Up ho.

Sent to the Lower House by Col Addison who returns & Says he Delivered the same.

Col Hynson with three others from the Lower House Deliver Col Young the following Message Viz.

By the Lower house of Assembly

Oct^r the 21st 1720

May It please Y^r Hon^{rs}

Forasmuch as the Revennue bill as well as Sundry other matt^{rs} is Continued till the 29th day of Sept^r next by the Acts already past before w^{ch} time We Conceive an Assembly of necessity must be Called and for that we have laid down some Reasons to be given his Lord^p for the Assenting to the Act for Limitation of Officers Fees as it now Stands we are Desirous they should be referr'd to the next Sessions of Assembly And that Your house would agree thereto

Signed p Ord^r M Jenifer Cl. Lo. Ho.

The Bill Investing an Estate of Inheritance in fee Simple of Twelve hundred Acres Part of a tract of Land Called New Munster lying on Elk River in Cecill County in Richard Thatcher of Cecill County to him & his Heirs & Assigns for Ever & three hundred Acres more part of the said Tract of Land Called New Munster in Peter Massey and Sarah his wife to them & their heirs forever being read is thus Endorst Viz. p. 46

By the Upper house of Assembly

Oct^r the 21st 1720

Upon Reading the w^{thin} Bill & the Humble Pet^o & Representation of Daniell Dulany on behalf of the Inhabitants of New Munster of Cecill County ag^t the passing this bill (herewith sent you) and the Allega^{ns} on both Sides seeming very Considerable and the Case Seeming hard on both Parties We propose that the Consideration thereof be referrd untill next Sessions And that due notice be given the Parties Concern'd.

Signed p Ord^r Jn^o Beale Cl Up ho.

U. H. J. The af^d Bill & the Petⁿ brought down with it with the Petⁿ af^d mencon'd Sent to the Lower House by Col Tilghman who returns & Says he delivered the same.

Jⁿ° Rousby Esq^r wth nine Others from the Lower House deliver Col Holland the following Message Viz.

By the Lower House of Assembly

October the 21st 1720

May It please Your Hon^{rs}

p. 47 Whereas the Comittee of Aggrievances have reported Sundry Aggrievances to this house w^{ch} we Conceive are absolutely necessary to be Redressed we humbly offer their Report to your Consideracon And Request your Hon^{rs} to join with us in Applying Remedies to so great Evills

Signed p Ord^r M Jenifer Cl Lo Ho.

The Comittee of Aggrievances report menconed in the Message af^d is as follows Viz.

By the Comittee of Aggrievances

Oct^r the 21st 1720

It is humbly Offered to this Comittee as an Aggrievance that there are Severall of the Hon^{ble} Councill Sitt as Judges in the Provⁿ Court which seems to be very Discourageing to such psons as may have Just Cause to Appeal before the Gov^r and Councill knowing that the same Judges sitt in the Courts of Appeals all w^{ch} the Comittee refers to the House for Consideracōn.

Signed p Ord^r Ninian Mariartee Cl Com

It is further Offered to this Comittee as An Aggrievance that Severall Clerks of Indictment Charges a fee for Drawing an Indictment, wⁿ no Bill found by the grand Jury w^{ch} the Comittee Conceives to be a great Aggrievance

Signed p Ord^r Ninian Marriartee Cl. Com.

Col Herman & M^r Dare from the Lower house deliver Col Holland

p. 48 A Bill Investing an Estate of Inheritance in fee Simple of Twelve hundred Acres Part of a tract of Land called New Munster lying in Elk River in Cecill County in Richard Thatcher of Cecill County to him and his heirs and Assigns for Ever And three hundred Acres more part of the s^d Tract of Land Called New Munster in Peter Massey and Sarah his

wife to them & their Heirs for Ever with the Petⁿ of both U. H. J.
Parties sent to th^t house Which Bill is thus Endorst

By the Low^r house of Assembly

Oct^r the 21st 1720

We Agree tis an hard Case on both Sides But much harder
on the Pet^r Thatcher in whose favour this Bill is prepared who
Since last Provⁿ Court has been turned out of Possⁿ his whole
Cropp Perishing and Plantⁿ Going to Ruin and the poor
Pet^{rs} wife and Children in a perishing Condⁿ unless Relieved
this Session, Wherefore for Charity Sake we Begg your Hon^{rs}
will pass that Bill this Sessions being fully Satisfied wth the
Justice thereof

Signed p Ord^r M Jenifer Cl Lo Ho.

M^r Tyler and M^r Crabb from the Lower house deliver Col^d
Holland

A Bill to Confirme the Lands Devised by Robert Anderson
of Prince Georges County dec^d unto his three Sons Robert
Anderson Cuthbert Anderson and James Anderson in ffee
Simple to them and their heirs and Assigns for ever with the
Petⁿ and Abraham Clarks Depⁿ w^{ch} Bill is thus Endorst Viz.

By the Lower House of Assembly

p. 49

October the 21st 1720

Read the first and Second times by Espⁿ Order and will
pass

Signed p Order M Jenifer Cl. Lo. Ho.

M^r Warfield from the Low^r House deliver Col Holland

A Bill for granting unto Edward Smith of the City of An-
napolis Sawyer One hundred & twenty foot of Ground in the
same City to Keep a Sawyers yard on for the Encouragem^t of
his Trade wth the Petition w^{ch} Bill is thus Endorst Viz.

By the Lower House of Assembly

October the 21st 1720

Read the first and second times by Especiall Order and will
pass

Signed p Order M Jenifer Cl. Lo. Ho.

The House Adjourn untill to morrow morning nine a Clock

U. H. J.

Saturday morning October the 22^d 1720

The House meet According to Adjournment

Present

Col Holland	Col Tilghman
Col Young	Col Ward
Esq ^r Hall	Esq ^r Bordley
Col Addison	and
Esq ^r Lloyd	Esq ^r Bowles

M^r Tyler wth five others of the Lower house deliver Col^o Holland

p. 50 A Supplementary Bill to the Act for Ascertaining the
Bounds of Land wthin this Province
Which is thus Endorst Viz.

By the Low^r house of Assembly Oct. the 22^d 1720

Read the first and Second Times by Especiall order and will
pass

Signed p Ord^r M Jenifer Cl. Lo. Ho.

The following Message prepared Viz.

By the Upper house of Assembly

Oct^r the 22^d 1720

Gentlⁿ. As we have hiterto Acted in Concert wth your house for the Dispatch of Publick Affairs of the greatest Importance so we think it would have Contributed to the Continuance of that good Understanding and amicable way of Proceeding that seems necessary to the Welfare of our Country had you thought fitt to have Communicated to us the Reasons you mencon in your Message by Col Hynson wth three Others of your house That you have Laid down to be given his Lordship for his Assenting to the Act for Officers fees w^{ch} might also have been Prevaileing Reasons wth us to Agree to the Reference proposed.

p. 51 However since you think fitt to Conceale your Reasons from us for your so doing we shall for reasons that Occurr to Ourselves wave any further Controvercie with you at Present on that Occasion

Signed p Ord^r Joh Beale Cl Up Ho.

Sent to the Lower House by Col Ward who ret^{ns} and says he delivered the Same.

M^r Edmondson and M^r Clayton from the Lower House deliver Col^o Holland

A Bill for the Confirmation of the Land therein menconed U. H. J.
to Richard Bennett Esq^r wth the Pet^o Which is thus Endorst
Viz.

By the Low^r House of Assembly Oct. the 22^d 1720

Read the first and Second times by Esp^{ll} Order and will
pass

Signed p Ord^r M. Jenifer Cl. Lo. Ho.

Col Maxwell and M^r Caldwell from the Lower House
deliver Col Holland

A Supplementary Bill to the Act to Limitt the Continuance
of Accons in severall Courts wthin this Province And Ascer-
taining the manner of takeing the Evidence of Seafareing
men and for granting Appeals from the Chancery Court to
the Gov^r and Councill w^{ch} is thus Endorst Viz.

By the Low^r house of Assembly Oct^r the 22^d 1720

Read the first and second times by Especiall Ord^r and will
pass.

Signed p Ord^r M Jenifer Cl Lo ho.

The bill for the Confirmation of the Land therein Menconed p. 52
to Richard Bennett Esq^r being read is thus Endorst Viz.

By the Upper house of Assembly

Oct^r the 22^d 1720

Read the first time and will Pass.

Signed p Ord^r Joh. Beale Cl Up. Ho.

Sent to the Lower House wth the Petition by Esq^r Bowles
who returns and Says he Delivered the same.

M^r Caldwell and M^r Wailes from the Lower house deliver
Col Holland the three following Engrost bills Viz.

A Bill for the Naturalization of Jn^o Peter Zenger of Kent
County Printer and his Children To w^{ch} is thus written Viz.

Oct^r the 22^d 1720

Read and Assented to by the Lower House of Assembly and

Signed p Ord^r M. Jenifer Cl Lo Ho.

A Bill for Confirmacon of Certⁿ deeds of Sale to W^m
Matthew Esq^r of Lands in Baltemore County

U. H. J. To w^{ch} is thus Written Viz.

Oct^r the 22^d 1720

Read & Assented to by the Lower house of Assembly and
Signed p order M Jenifer Cl Lo Ho.

A Bill for Raiseing a Duty of three pence p hh^d on all tob^o
Exported out of this pvince for the uses therein menconed To
w^{ch} is thus written

Oct^r the 22^d 1720

Read & Assented to by the Lower House of Assembly and
Signed p Ord^r M Jenifer Cl Lo Ho.

The foregoing three Engrost Bills being read are thereto
Severally thus written Viz.

Oct^r the 22^d 1720

p. 53 Read & Assented to by the Upper house of Assembly and
Signed p Ord^r Joh Beale Cl Up ho.

Esq^r Hall sent to the Low^r House wth the paper bills and to
Acquaint them that the Aforesaid three Engrost bills are
Assented to by this house who returns and Says he Delivered
the paper bills and Acquainted them accordingly

Joshua George is Admitted by this house to be Clerk Assis-
tant to the Cl thereof and thereupon the s^d Joshua takes an
Oath to keep the secrets of this house

The Supplementary bill to the act to Limitt the Continu-
ance of Actions in Severall Courts within this Province and
Ascertaining the manner of taking the Evidence of Sea faring
men and for granting Appeals from the Chancery Court to
the Gov^r and Councill

Being read is thus Endorst Viz.

By the Upper house of Assembly October 22^d 1720

p. 54 This bill being read does not answer its End, For the first
Act being that they shall Continue no Longer than a time
Expressed which is Shorter; And this Bill being that they
shall Continue no Longer then a time which is Longer can only
Enlarge the time by Implication which can never operate
against the Express words of the former Law we have there-
fore proposed the bill herewth sent you wth a Provisoe Added
W^{ch} we think very necessary for the right Understanding of
the former Law And alsoe an Enlargment of five months time
to the Chancery Court where there is the same necessity or
rather a Greater than in the Courts of Law and where there

are Suits Depending that Lye under the Same [case] as in the U. H. J.
Prov^l Court

Signed p Ord^r Joh Beale Cl Up Ho.

The foregoing bill, with the Bill therein Proposed Sent to
the Lower House by Esq^r Bordley who returns and says he
Delivered the same

A Supplementary bill to the act for Ascertaining the bounds
of Land within this Province

Being read is thus Endorst Viz.

By the upper house of Assembly

October the 22^d 1720

Gentl. Upon reading the within bill we find that there is
not any provision made to Supply the want of any Com^{rs} made
Choyce of upon the first View who shall happen to dye before p. 55
the bounds of the Land in Dispute are determined nor to
Supply the want of any of the Com^{rs} of the Court of review
who shall happen to be Interested in the Lands in Dispute or
Related to any that are Interested therein. Neither are the
said Com^{rs} Impowered to award Execution for the costs or
Damages by them Adjudged nor to Command the Attendance
of the Surveyor or Other Officers as in the former Law nor to
return Plats and Certificates of their Determinacons to be
Entered upon the records therefore we recommend to you the
Drawing of a new Bill which may Supply the severall defects
before mentioned

Signed p Ord^r Joh Beale Cl Up Ho.

And Sent by Esq^r Hall and Col Ward to the Lower House
who return and Say they Delivered the Same.

M^r Benj^a Mackall and M^r Walter Smith from the Lower
House Deliver Col^o Young

A Supplementary bill to the Act for relief of Tho^s Manning
of Calvert County wth the Pet^o

Which bill is thus Endorst

By the Lower House of Assembly

October the 22^d 1720

Read the first & second times by Especiall Order and will
pass.

Signed p Ord^r M Jenifer Cl Lo Ho.

The bill for granting unto Edward Smith of the City of
Annapolis Sawyer one hundred and Twenty foot of Ground

U. H. J. in the same City to keep a Sawyer's Yard on for the encouragement of his trade being read is thus Endorst.

By the Upper House of Assembly

October the 22^d 1720

p. 56 This bill being read will Pass with The following Amendments Viz. That instead of the words marked in the Bill (to witt) granted by this House to these Words (be vested by an Act of Assembly on,) and that the Prop^{rs} Purchase be paid in pportion

Signed p Ord^r Joh Beale Cl Up ho

Sent to the Lower House wth the Petⁿ by Esq^r Bordley who returns and Says he delivered the same

The House Adjourns untill Monday morning nine of the Clock

Monday Morning October 24th 1720

The House meett According to Adjournment

Present His Hon^r Charles Calvert Esq^r Gov^r

The Honble	{	Lt. Col Sam ^l Young	}	Members of the Upp ^r house
		Jn ^o Hall Esq ^r		
		Phil Lloyd Esq ^r		
		Col Richard Tilghman		
		Col M. T. Ward		
		Tho ^s Bordley Esq ^r		

p. 57 M^r Benjⁿ Mackall and M^r George Dent from the Low^r house Deliver his Hon^r the Gov^r the Engrost Supplementary Bill to the Act to limitt the Continuance of Accons in Severall Courts within this Province and ascertaining the manner of taken the Evidence of Sea faring men and for Granting Appeales from the Chancery Court to the Gov^r and Councill To which is thus written Viz.

Octo^r the 24th 1720

Read & Assented to by the Lower House of Assembly

Signed p order M Jenifer Cl Lo Ho.

M^r Turbutt and M^r Earle from the Lower House Deliver his honour the Gov^r

A Bill Impowering Mess^{rs} W^m Clayton of Talbott County and James Earle and W^m Turbutt of Queen Anns County to sell of the Lands of Robert Smith Esq^r late of Talbott County

af^d Deceased to pay to Richard Cole of Queen Anns County U. H. J. and Mary his wife the Daughter and heir of Renatus Smith Deced the Surviving Exec^r of the said Robert Smith dece^d what the said Renatus Smith paid on Account of the said Rob^t Smith more than Effects Came to his hands and for the Payment of his Other Debts wth the Pet^e and Other Papers Which bill is Thus Endorst Viz.

By the Lower House of Assembly

October the 24th 1720.

Read the first and Second times by Especiall order and Will p. 58 pass.

Signed p Ord^r M Jenifer Cl Lo Ho.

This house takes this oppertunity of desiring Col Holland to present to his honour the Gov^r their Answer to his Speech and Likewise Desire him to acquaint his Honour that his Sick-ness which has not sufferd him to be present att this house till this Day, togeather with their Unwillingness to trouble him at his private Lodging have been the Reasons they have not sooner presented it which Answer he accordingly presents and Is as follows

By the Upper house of Assembly

May It please Your honour

We Return you our most hearty thanks for your Obliging Speech delivered to both houses of Assembly and take leave to Assure you that we have not the Least Doubt but that your future actions will Demonstrate how much you Desire the peace and prosperity of Maryland, and that your Conduct will be such as will answer the Good Ends for which Our Lord Proprietary hath Been favourably pleased to place you In this Station

Your Resolution of Steadily Adhering to our happy Establishment In the Illustrious line of our Dread Sovⁿ King George; and Encouraging & trusting In the Several Affairs of Gov- p. 59 ernm^t his Majesties Approved and tried Subjects, and keeping within due bounds our Unhappy Dissenters from it, is most Engaging to us; And we do Assure Your Honour, that we will with Zeal and Diligence, Apply our Selves to the Consideration of such Affairs as you have or shall be pleased to communicate to us; and wth our Utmost Abilities Indeavour to Cultivate a Lasting good Understanding between our Proprietary and his Majesties faithfull Subjects in Maryland

U. H. J. S^r the Assurance you are pleased to give us of his Lordships Sweetness of Temper and Excellent good resolutions fills us with Hopes of being a happy People: And should we be the Least failing on our parts; it would Justly Lay on us the marke of Ingratitude: but to follow Your Honours own Example we forbear further Professions, And Desire to be refered to our Accons for Demonstrations of our Sincerity and Zeal for his Lordships Service; And that in reality we are
May it please Your Hon^r

Your honours most faithfull

and Obedient humble Servants

W ^m Holland	Richard Tilghman
Sam ^{ll} Young	Henry Lowe
John Hall	M. T. Ward
Tho ^s Addison	Tho ^s Bordley
Philemon Lloyd	James Bowles.

p. 60 M^r Turbutt and M^r Fisher Deliver his honour the Governour An Engrost Bill for the Confirmation of the Land therein mencon'd to Richard Bennett Esq^r

To which is thus written Viz.

October 24. 1720

Read and assented to by the the Lower House of Assembly
and

Signed p Ord^r M: Jenifer Cl Lo Ho.

M^r Lee with Six Others of the Lower House Deliver Col. Holland A Supplementary bill to the Act for Ascertaining the bounds of Land within this Province Which is thus Endorst Viz.

By the lower house of Assembly

October the 24th 1720

Read with the Amendm^{ts} And will pass

Signed p Order M: Jenifer Cl. Lo. Ho.

These Two following Engrost Bills Viz.

An Engrost bill for the Confirmacon of the Land therein menconed to Rich^d Bennett Esq^r

And An Engrost Supplementary bill to the Act to Limitt the Continuance of Accons in severall Courts wthin this Province and Ascertaining the manner of taking the Evidence of Seafaring men And for Granting Appeals from the Chancery

Court to the Governour and Councill Being Read are Each ^{U. H. J.}
thus written Viz. _{p. 61}

October the 24th 1720

Read and Assented to by the Upper House of Assembly And
Signed p Ord^r Joh Beale Cl. Up. Ho.

Philemon Lloyd Esq^r Sent to the Lower house with the
Paper bills & to Acquaint Them That the aforesaid two En-
grost bills are assented to by this house who returns and Says
he Delivered the Paper bills and Acquainted Them Accord-
ingly.

M^r Crabb and M^r Earle from the Lower House Deliver Col
Holland A bill against buying and selling of Offices and to
prevent Corruption in Officers.

Which is thus Endorst Viz.

By the Lower House of Assembly

October the 24th 1720

Read the first and Second time by Especiall Order and will
pass

Signed p Ord^r M Jenifer Cl. Lo. Ho.

The House Adjourns untill to morrow morning nine a
Clock

Tuesday morning October the 25th 1720

The house meet According to Adjournment

Present

Col Holland

Esq^r Lloyd

Col Young

Col Ward

Esq^r Hall

and

Col Addison

Esq^r Bordley

Mr Lee with three others of the Lower House Deliver Col ^{p. 62}
Holland

A Supplementary bill to the Act Intituled an Act for laying
an Imposition on negroes and on Severall Sorts of Liquors
Imported, and Also on Irish Servants to prevent the Import-
ing too great a Number of Irish Papists into this province
which is thus Endorst Viz.

By the Lower house of Assembly

October the 25th 1720

Read the first and Second Times by Especiall Ord^r and Will
Pass

Signed p Ord^r M Jenifer Cl Lo Ho.

U. H. J. A Bill ag^t buying and Selling of Offices and to pvent Corruption in Officers being read is thus Endorst Viz.

By the Upper house of Assembly

Oct^r 25th 1720

Read & will pass.

Signed p Order Joh Beale Cl Up. ho.

Sent to the Lower house by Col Addison who Returns and Says he delivered the same

A Supplementary Bill to the Act Entituled an Act for Laying an Imposition on negroes and on Severall Sorts of Liquor
p. 63 Imported and also on Irish Serv^{ts} to prevent the Importing too great a number of Irish Papists into this Province being read is thus Endorst Viz.

By the Upper House of Assembly

Oct^r the 25th 1720

This bill being read will Pass wth these following Amendm^{ts} to be Incerted instead of the Sev^l Words markt therein Viz. first (Suggesting) Instead of (Importing) 2^{dly} the Words (Defrauding of the Publick) Instead of those next markt, 3^{dly} instead of the words (the like) (which) fourthly where the Law pposes the Oath to be taken these Words (such Owner or Owners are Obliged to take the following Oath Viz. You A. B. do Swear that you are the true & only Owners of the Ship E and have Continued so ever since the time of the Purchasing the Register now by you Produced and that you have not pchased the said Vessel nor Obtained the Register af^d to the use of or in trust for any other pson or Persons whatsoever nor for the Sake of Evadeing the Paym^t of any Duties in favour of any Person or Persons whatsoever that are not Actual Residents within this pvince. 5^{thly} Instead of the words Imediately following the said Oath within these two months these following Viz. (pvided that in Case any Inhab^t of this Province owner as af^d shall depart this pvince and go beyond the Seas about his reasonable Affairs and shall not be Absent there from for above the Space of Twelve months in
p. 64 Case any Vessel shall happen in his Absence to Require his Oath as af^d such Absent Persons Oath in Such Case may be dispens'd with all the other Owner's Residents if any there be takeing the same Oath and the Bennefitt Intended by the said before menconed Act shall be Allowed to the Owners of such Vessells)

Signed p Ord^r Joh Beale Cl Up ho.

Capt Codd and M^r Hanson from the Lower house Deliver U. H. J.
Col Holland An Engrost Bill ag^t Buying and Selling of Offices
& to prevent Corruption in Officers
To w^{ch} is thus written Viz.

Oct^r the 25th 1720

Read & Assented to by the Lower house of Assembly and
Signed p Ord^r M Jenifer Cl Lo ho.

The Supplementary Bill to the Act Entituled an Act for Lay-
ing an Imposition on Negroes and on severall Sorts of Liquors
Imported and also on Irish Serv^{ts} &c. Sent to the Lower House
by Col Young who returns and Says he delivered the same

The Engrost Bill against buying & Selling of Offices and
to pvent Corruption in Officers being read,

To which is thus written Viz

p. 65

October the 25th 1720

Read and Assented to by the Upper House of Assembly.
Signed p Ord^r Joh. Beale Cl. Up. Ho.

Mr. Hill wth four others from the Lower house deliver Col^o
Holland,

The Journall of the Comittee of Acc^{ts} w^{ch} is thus Endorst
Viz.

Oct^r the 25th 1720

Read and Assented to by the Lower house of Assembly
Signed p Ord^r M. Jenifer Cl lo Ho.

The following Message Prepared Viz.

By the Upp^r House of Assembly

Oct^r the 25th 1720

Gentl. Upon Reading and considering the Supplementary
Act to the Act for ascertaining the bounds of Land in this
pvince ppared by your house and Sent us by M^r Lee and Six
Others of your House we are of Opⁿ that there are Severall
Omissions and Imperfections in that bill which ought to be
Supplied and which are as followeth

In the first Sheet we Observe you have Invested the Com^{rs}
of Review wth a power of hearing and Determining all Appeals
to them made upon any Judgm^t hereafter to be given by the
Com^{rs} of the first View & likewise to Review and Reverse or p. 66
Affirm any Judgm^t heretofore given by the Com^{rs} of the first
View Ag^t w^{ch} Petitions have been preferrd to this Assembly

U. H. J. but have Excluded All others from Priviledge of a Review Altho phaps they may be as much Injured by Judgm^{ts} formerly given as those are who have Already Petitioned whose Submissiveness to the Law ought not to Turn to their pjudice and that the Clause in the same Sheet w^{ch} Assigns the Com^{rs} and Other Officers their Fees is ambiguously Expres^t w^{ch} ought to be Explain'd by these words or such Like (to the Com^{rs} and other Officers upon the first View) in the same sheet the Land Com^{rs} are made liable to a fine of five hundred pounds of tob^o for w^{ch} they may be Prosecuted in the Provincia^l Court, This we think unreasonable that they should be Exposed to so great trouble and Charge for so small a fine And ppose that it be made Cognizable in the County Courts only.

In the Second Sheet where Provision is made to Supply the want of any Com^{rs} of the first View or the Review who are
 p. 67 not Qualified to Act in Particular Cases by the Choice of New ones The Decision of such Com^{rs} of the first View as well as of the Review is made finall w^{ch} we take to be Contrary to the Intention of the Law

And we further think it necessary that pvision should be made that in Case of Sickness, Difference of Opinion, or any other Accident any two of the three Com^{rs} of Review may have Power to Receive Appeals and give Judgm^t thereon &c. And likewise that Provision be made how the Disputable bounds of Land w^{ch} lye partly in two Countys shall be Determined And that for the further Compliance wth his L^{dps} Instrucons Appeals be Allowed from the Judgm^t of the Com^{rs} of Review to England in such Cases and In such manner as the Laws of Great Brittain & the pvince Admitts of

We likewise Observe that great Inconveniencies may Arise from that Parragraph in this Bill w^{ch} pvides for the relief of those psons under Exⁿ for Costs Awarded by the Com^{rs} of the first View who upon their having a right to Appeale are to be Discharged from the Sherriffs Custody and Cannot be taken again until such time as that Appeale is Determined so that they may forever Avoid paying such Cost for thô they have a right to Appeale they are not obliged to do it & besides
 p. 68 we think it Reasonable that before they are so Discharged they should give Security for the payment of such Cost and Damages by Occasion of the delay if the first Judgm^t should be Affirm'd otherwise they becomeing Insolvent or Absenting themselves the Partie in whose fav^r the Judgm^t was given may Loose his Cost but we are of Oppinion that this Paragraph might be wholly Omitted Provision being made to Impower the Com^{rs} of Appeale to Adjudge all former Costs and Damages upon Reversing such Judgments

For the Reasons Offer'd and for the Dispatch of the Publick business we have together with the Bill sent from your house sent another Bill w^{ch} we have Prepared w^{ch} we are of oppinion suff^{tly} pvides in all the Cases before Recited & ppose to you Either to Accept our Bill or Amend your Own w^{ch} you shall think most Conven^t

Signed p Ord^r Joh Beale Cl Up Ho.

Sent to the Lower House with two Bill's menconed therein by Col Ward and Esq^r Bordley who retⁿ and Say they delivered the same

A Supplementary Bill to the Act for Reliefe of Tho^s Manning of Calvert County being read is thus Endorst Viz. p. 69

By the Upp^r house of Assembly

Octob^r the 25th 1720

Read the first time and will Pass

Signed p Ord^r Joh Beale Cl up ho.

Which Bill wth the Petition Sent to the Lower house by Esq^r Hall who ret^{na} & Says he Delivered the same

M^r Benson and M^r Warfield from the Low^r House deliver Col Holland, An Engrost Bill for Granting unto Edward Smith of the City of Annapolis Sawyer one hundred & Twenty foot of ground in the same City to Keep a Sawyers yard on for the Encouragem^t of his Trade being read,

To w^{ch} is thus Written Viz.

Oct^r the 25th 1720

Read & Assented to by the Upper House of Assembly and

Signed p Ord^r Jno Beale Cl Up ho.

The House Adjourns untill to morrow morning nine a Clock.

Wednesday Morn Oct^r the 26. 1720

The House meett according to Adjournm^t

Present

Col Holland

Col Tilghman

Col Young

Col Ward

Esq^r Hall

and

Esq^r Lloyd

Esq^r Bowles

A Bill to Confirme the Lands Devised by Rob^t Anderson of Prince Geo: County dece^d unto his three sons Rob^t Anderson,

U. H. J. Cuthbert Anderson, and Ja^s Anderson in ffee simple to them
 p. 70 & their heirs & Assigns for Ever being read is thus Endorst
 Viz.

By the Upper House of Assembly

Oct^r the 26th 1720

The Alleg^{ns} in this Bill not being Sufficiently pved to Satisfie
 this house of the Justice thereof and the Allega^{ns} of the Pet^{rs}
 ag^t the Bill seeming very Plausible therefore this Bill is
 referr'd to the next Sessions that this house may hear both
 parties thereto

Signed p Ord^r Jn^o Beale Cl Up ho.

Sent to the Lower House with the Petitions and Clarks
 Depositions by Col^o Tilghman who returns and Says he deliv-
 ered the same

Esq^r Hall Sent to the Lower House wth two paper Bills Viz.
 one ag^t Buying and Selling of Offices and to pvent Corruption
 in Officers And the other for granting unto Edward Smith of
 the City of Annapolis Sawyer One hundred and twenty foot
 of Ground in the same City to Keep a Sawyers yard on &c.
 And to Acquaint them that the Engrost Bills are Assented to
 by this House, Who returns and Says he delivered the Paper
 Bills and acquainted them accordingly.

p. 71 The Bill Empowering Mess^{rs} W^m Clayton of Talbot County
 and Ja^s Earle and William Turbutt of Queen Anns County
 to sell the Lands of Robert Smith Esq^r late of Talbott County
 af^d deced to pay to Richard Cole of Queen Anns County &
 Mary his wife the daughter and heir of Renatus Smith deced
 &c. being read is thus Endorst Viz.

By the Upp^r House of Assembly

Oct^r the 26th 1720

This Bill being read will pass with the following Amend-
 ments to Come in as markt Viz. Excepting Such Lands that
 have been already sold by such Persons who had right to sell
 the same since the decease of the said Robert Smith

Signed p Ord^r Joh Beale Cl Up ho.

M^r Crabb and M^r Turbutt from the Lower House deliver
 Col Holland these two following Engrost Bills, Viz.

A Supplementary Bill to the Act Entituled an Act for laying
 an Imposition on Negroes & on Severall Sorts of Liquors Im-
 ported and also on Irish Servants to prevent the Importing too
 great a Number of Irish Papists into this Province

A Supplementary Bill to the Act for relief of Thos. Manning of Calvert County. U. H. J.

October the 26th 1720

Read and Assented to by the Lower House of Assembly and
Signed p order M Jenifer Cl Lo Ho.

The Bill Impowering Mess^{rs} W^m Clayton of Talbott County and James Earle and W^m Turbutt of Queen Anns County to p. 72
Sell the Lands of Rob^t Smith Esq^r late of Talbott County af^d
Dec^d &c. Sent to the Lower House by Esq^r Tilghman who
Returns and Says he Delivered the same

M^r Lee with five others from the Lower House deliver Col
Holland

A Supplementary Bill to the Act for Ascertaining the
Bounds of Land within this Province w^{ch} is thus Endorst
Viz.

By the Lower House of Assembly

October the 25th 1720

Read the first time and ordered a Second reading tomorrow.
Signed p Ord^r M Jenifer Cl Lo Ho.

By the Lower House of Assembly

October the 26th 1720

Read with the Amendments within pposed and will pass
Signed p order M Jenifer Cl Lo Ho

The two Engrost Bills Viz

A supplementary Bill to the Act Entituled An Act for
Laying an Imposition on Negroes and on Sev^{ll} Sorts of Liquor
Imported and also on Irish Serv^{ts} To prevent the Importing
too great a Numb^r of Irish papists into this Province p. 73

A Supplementary Bill to the Act for Reliefe of Thomas
Manning of Calvert County.

Which two Engrost Bills being read are to Each thereto
thus Written Viz.

October 26. 1720

Read & Assented to by the Upper House of Assembly
Signed p Ord^r Joh Beale Cl Up Ho.

Which two Paper Bills of the af^d two Engrost Bills Sent to
the Lower house by Col Tilghman who is required to Acquaint
them that the af^d Engrost Bills are Assented to by this house

U. H. J. who returns and says he Delivered the Paper Bills and acq^{td} them Accordingly.

The following Message Prepared Viz.

By the Upp^r House of Assembly

Oct^r the 26. 1720

Gentlemen. We propose the Bill herewith sent as of Absolute necessity to Deter the Burners of Court houses from such Heinous Crimes for the future

Signed p order Joh Beale Cl Up ho.

Sent to the Lower House wth the Bill therein proposed by Col Addison who returns and Says he delivered the same

p. 74 The Prov^l Justices that are Memb^{rs} of this House haveing Represented the abusive Prosecution of Adm^{rcon} bonds a Bill is prepared Entituled an Act to Restrain the Rigour of psecu- tions of Testamentary or Adm^{rcon} bonds

Thereupon the following Message is Prepared

By the Upper House of Assembly

Oct^r the 26. 1720

Centlemen. We herewth send you the Draught of a Bill which we think very necessary to Prevent the Oppression therein sett forth w^{ch} we look upon to be a great Burthen to the People.

Signed p order Jn^o Beale Cl Up ho.

Which message with the aforementioned Bill Sent to the Lower House by Esq^r Lloyd who returns and says he delivered the same

The Supplementary Bill to the Act for ascertaining the Bounds of Land within this pvince being read is thus Endorst Viz.

By the Upp^r House of Assembly

October the 26th 1720

p. 75 This Bill being read will pass with the following Amendm^t Viz.

Instead of the words, of the Cost and Damages decreed against them untill the determination of the Com^{rs} of Review shall be had thereupon, these words be incerted Viz. of all such Costs and Damages for w^{ch} they are or shall be in Execution, in Case they Do not Enter and prosecute their Appeale Ac-

cording to the Directions of this Act, or that It shall not be U. H. J.
Otherwise Decreed by the Com^{rs} of Review

Signed p Ord^r Joh Beale Cl Up ho.

M^r Benson and M^r Turbutt from the Lower House Deliver
Col Holland A Bill Declaring the Punishment for burning of
Court houses which is thus Endorst Viz.

By the Lower House of Assembly

October the 26th 1720

Read the first and second times by Especiall Ord^r and will
Pass.

Signed p Ord^r M Jenifer Cl Lo Ho.

Which being Read is thus Endorst Viz.

By the Upper House of Assembly

p. 76

October the 26th 1720

This bill being read will pass.

Signed p Ord^r Joh Beale Clk. Up Ho.

And Sent to the Lower House by Col Tilghman who returns
and Says he Delivered the same

M^r Smith and M^r Wilmer from the Lower house Deliver
Col Holland an Engrost Bill

Declaring the Punishment for burning of Court houses
To which is thus written Viz.

Oct^r the 26th 1720

Read and Assented to by the Lower House of Assembly and

Signed p Ord^r M Jenifer Cl. Lo. Ho.

The Supplementary Bill to the Act for Ascertainning the
Bounds of Land wthin this Province is Sent to the Lower
House by Col^o Ward and Esq^r Bordley who return and say
they Delivered the same

The Engrost Bill declareing the Punishment for burning p. 77
of Court houses being read To w^{ch} is thus written Viz.

Oct^r the 26th 1720

Read and Assented to by the Upp^r house of Assembly and

Signed p Ord^r Joh Beale Cl Up ho.

U. H. J. . The following Message Prepared Viz.

By the Upper House of Assembly

Oct^r 26th 1720

Gentl. As to the Aggrievance relating to the Clerks of Indictm^{ts} we are Informed by the Attorney Generall that there have been Complaints to him from sev^{ll} Countys that Malefactors frequently go unpunished in their Courts for want of their being duely Prosecuted by the Clerks of Indictments whose failures they Impute to their Incapacities and we are further Informed that such Practitioners as are the most Capable to Serve the Governm^t in those Stations Absolutely
 p. 78 Refuse to Accept the employ for want of a Reward Suitable to their Services & that none but young and unexperienced Practitioners are willing to undertake that Office which they Chiefly do as an Introduction to further business so that if we Concurr wth you in Reduceing or Restraining the fees you Mention as an Aggrievance the Consequence must Inevitably be the Encouragement of Offenders who will yet the more Easily Escape Punishm^t for want of an Understanding Prosecutor w^{ch} we doubt would be found the much greater Greivance

Gentlemen. We are Sorry if any Cause has been given you to Represent the members of this house that are Judges in the Provinciall Court as any grievance to the Publick by their Sitting there as seems Suggested by your Message and Representation relateing thereto. But we rather Believe you take the hardship to be in Respect of those few suitors that
 p. 79 may happen to Appeale to the high Court of Appeales in Case the same Judges should Sitt to hear and give their Voices in such Appeale and takeing it to be so we observe to you that It Ever has been the Constant Practice to the Best of our Remembrance for such of the Court of Appeals as had Satt on the Determination of any point of Law in the Provinciall Court to forbear giveing any Voice in the Court of Appeales in such Case And We Cannot Advise his Hon^r the Gov^r (in whose Breast It solely Lies) for the Sake of these few Appellants that happen, and as you may Perceive are unprejudiced by the p^sent Constitution to Deprive the Publick of the Bennefitt of the Gentlemens Service in the Provinciall Court that belong to this House who we believe as they are of the Longest Standing in that Court may be allowed to be of the most Experience in the Law and Practice there and tho the memb^{rs} of this house that Satt there seem very Desirous to be Excused
 p. 80 from such a Tedious attendance yet we cannot think it Consistent with the Welfare of the p^vince that they should be

Indulged therein Especially since they Seem fully Convinced U. H. J. of their Duty to Serve the Publick in w^tsoever Station the Government is Pleased to place them.

Signed p Ord^r Joh Beale Cl. Up. ho.

The foregoing Message sent to the Lower house by Esq^r Hall as also the Paper Bill declareing the punishment for Burning of Court houses and the s^d Esq^r Hall is to Acquaint that house that the Engrost Bill is Assented to by this house who returns and says he Delivered his message

M^r Benson and M^r Turbutt from the Lower House Deliver p. 81
Col Holland

A Bill to Restraine the Rigour of Prosecutions of Administration or Testamentary bonds

Which is thus Endorst

By the Lower House of Assembly

Oct^r the 26th 1720

Read the first and Second times by Especial Order and will
Pass

Signed p Ord^r M Jenifer Clk Lo. Ho.

Which being read is thus Endorst

By the Upp^r House of Assembly

Oct^r the 26th 1720

Read and will Pass

Signed p Order Jn^o Beale Cl Up ho

Sent to the Lower House by Esq^r Hall who returns and Says he Delivered the same.

A Bill for the reliefe of Marreen Duvall a Languishing p. 82
prisoner in Prince Georges County Being read wth the
Petⁿ of the Rev^d Jacob Henderson to this house in Relation
to this Bill. The said Bill is thus Endorst Viz.

By the Upper House of Assembly, Oct. the 26th 1720

This Bill will Pass wth a Provisoe in favour of the Rev^d M^r
Jacob Henderson according to his petⁿ herewth Sent.

Signed p Ord^r Joh. Beale Cl. Up. Ho.

His hon^r the Gov^r app^{rs} in this house

M^r Lee & M^r Caldwell from the Lower house deliver Col^o
Holland An Engrost Bill to Restraine the Rigour of Prose-

U. H. J. cution of Adm^rcon or Testamentary bonds. To w^{ch} is thus Written Viz.

Oct^r the 26th 1720

Read & Assented to by the Low^r house of Assembly and
Signed p Ord^r M. Jenifer Cl Lo. Ho.

The Bill for the Relief of Marreen Duvall a Languishing Prisoner in Prince George's County with the Petition of the Rev^d M^r Jacob Henderson sent to the Lower House by Col Ward who returns and Says he Delivered the same

The Remonstrance of Phil Lloyd Esq^r to this house ab^t the p^servation and Repairs of the Publick Records on his Petⁿ thereon to the Lower House being read is Ord^d to be thus Endorst

By the Upper House of Assembly

p. 83

Oct^r the 26th 1720

Gentl. The matter of the within Petition is of so great Consequence in relation of all the Landed Estates wthin this Province that we must press you to Enter into Such Measures as may Prevent the further Mischiefs that must necessarily arise from the Present Condition of the Land Office and all the Records therein and that you will Inspect the Report of the Comittee appointed last Sessions of Assembly Concerning the said Land Records and Order them to be bound & put in good repair

Signed p Ord^r Joh Beale Cl. Up. ho.

Sent to the Lower House by Esq^r Lloyd who returns and Says he delivered the same

M^r Turbutt & M^r Fisher from the Lower house deliver his Hon^r the Gov^r An Engrost Bill Impowering Mess^{rs} W^m Clayton of Talbot County & Ja^s Earle & W^m Turbutt of Queen Ann's County to Sell of the Lands of Robert Smith Esq^r of Talbott County af^d dece^d to pay to Richard Cole of Queen Anns County & Mary his Wife the Daughter and heir of Renatus Smith dece^d the Surviving Exec^{rx} of the s^d Robert Smith dece^d what the said Renatus Smith paid on Account of the said Robert Smith more than Effects Came to his hands and for the paym^t of his other Debts. To w^{ch} is thus written Viz.

October the 26th 1720

p. 84

Read and Assented to by the Low^r House of Assembly and
Signed p Ord^r M. Jenifer Cl. Lo. Ho.

The House Adjourns untill to morrow morning nine a Clock

Thursday morning Oct^r the 27th 1720

U. H. J.

The House meett According to Adjournm^t

Present

His Honour the Governour

Col Holland	Esq ^r Lloyd
Col Young	Col Tilghman
Esq ^r Hall	Col Ward
Col Addison	Esq ^r Bordley

The Bill for Supplying the Defects of the last will and Testam^t of James Walker dec^d & for Setling the Lands therein devised upon the Vestry and Church Wardens of W^m and Mary Parish in Charles County for the uses therein Expressed Being Read is thus Endorst Viz

By the Upp^r house of Assembly

Oct^r the 27th 1720

By what Appears to this House it seems the Lands in Dispute is Escheat to his Lordship & that Rob^t Yates the Petitioner ag^t this Bill has much more Equity on his side to Preferr him to his Lordships favour in the pchase thereof than the Pet^r for the Bill. And thereupon the Bill is Rejected.

Signed p Ord^r Jⁿ^o Beale Cl Up ho.

M^r Lee wth five others from the Lower house deliver his Hon^r the Gov^r An Engrost Supplementary bill to the Act for p. 85 Ascertainning the bounds of Land within this Province to which is thus Endorst Viz.

October the 27th 1720

Read and Assented to by the Lower house of Assembly

Signed p Ord^r M: Jenifer Cl Lo. Ho.

The bill for Supplying the Defects of the Last Will and Testament of James Walker dece^d &c.

Sent Down to the Lower house with The Pet^o Walkers Will and Robert Yate's Pet^o By Col. Tilghman who returns and Says he Delivered the same

M^r Tyler and Col Woolford from the lower house Deliver Col Young the following Message Viz.

October the 27th 1720

May It please Your honours

We have weighed the Remonstrance and Petition of Philemon Lloyd Esq^r And in regard the matters therein set forth are not To be discussed hastily And as we have reason to hope

U. H. J. this Sessions is near a Conclusion we are of opinion it is most Advisable to Referr the further Consideracon Thereof to the next Sessions of Assembly and Desire Your Honours Concurrence therewith.

Signed p Ord^r M Jenifer Cl. Lo. Ho.

p. 86 These following Two Engrost bills Viz.

A bill to restrain the Rigour of Prosecutions on Administration or Testamentary bonds.

A Bill Impowering Mess^{rs} W^m Clayton of Talbott County and James Earle and W^m Turbutt of Queen Anns County to sell all the Lands of Robert Smith Esq^r Late of Talbott County af^d Deced to pay to Richard Coale of Queen Ann's County and Mary his wife the Daughter and Heir of Renatus Smith Deceased the Surviveing Exec^{rx} of the s^d Robert Smith Deceased what The said Renatus Smith paid on Account of the said Robert Smith more than the Effects Came to his hands & for the paym^t of his Other Debts

To Each of which two foregoing Engrost bills are thereto thus written Viz.

Oct^r the 27th 1720

Read and Assented to by the Upper house of Assembly &
Signed p Ord^r J^{on} Beale Cl Up Ho.

Col Ward sent to the lower House with the paper bills of the af^d Two Engrost bills and to Acquaint them that the Engrost bills are Assented to by this house who Returns and Says he Delivered his Message

p. 87 The Journall of the Committee of Accounts being read is Orderd to be thus Endorst

By the Upper house of Assembly

October the 27th 1720

Gentlemen. There is an Allowance Omitted to our Clerk Assistant for Eight Days Service and also to Thomas Bordley Esq^r for a Guinea sent to the Indians which Allowances being now made & Ordered to be paid this Journall will pass.

Signed p Order Joh Beale Cl Up. ho.

Sent to the Lower House by Esq^r Hall who returns & Says he Delivered the same

The following Message prepared Viz.

By the Upper House of Assembly

October the 27th 1720

Gent. Altho we Agree with you that the Sessions is Drawing near a Conclusion yet the matter of the remonstrance by

Phil Lloyd Esq^r Sent down to you is of soe great Consequence U. H. J.
that the Landed Estates of all the province seems to call upon
your imediate Concurrence & Assistance for their greater
Security which they stand in very Great need of thro the Ill
State of the Offices. it seems to us to be no Great matter of
Consideracon to appoint Com^{rs} to repair the said Offices & pro-
vide proper Boxes or Cases to Lodge the Books in to Defend p. 88
them from the weather and to Cause the books that have been
Transcribed as well as Others to be bound

Signed p Ord^r Jⁿ^o Beale Cl Up ho.

Sent to the Lower house by Col Addison who Returns and
says he Delivered The same

The Engrost Supplementary bill to the Act for Ascertainig
the bounds of Land wthin this province
Being read is thereto thus written Viz.

Oct^r the 27th 1720

Read & Assented to by the Upper house of Assembly
Signed p ord^r Joh Beale Cl Up Ho.

Col Ward sent to the Lower house With the paper bills of
the af^d Engrost bills & to Acquaint them that the Engrost bills
is Assented to by this house who returns & Says he Delivered
his message

The following message is prepared Viz.

By the Upper and Lower houses of Assembly

Oct^r 27th 1720

On the Petition of Richard Thatcher against Matthew Wal-
lace And hearing the Parties on both sides tis Ordered that the
said Richard Thatcher be restored to His full peaceable and p. 89
Quiet Possⁿ of in and into the Land whereof he was Lately
disposest by the said Matthew Wallace or his Lessee by Vertue
of a Writ of Possⁿ Issued from the last Provincial Court And
that the Sherr of Cecill County do make Restitution ac-
cordingly

And also Ord^d that all p^{rs}ons concerned in the Dispute of the
s^d Lands ppare themselves for a more full & ample hearing at
the next Sessions And that the Parties wait further the De-
termination thereof

By the Upp^r house of Assembly

Oct^r the 27th 1720

Gentl. Rich^d Thatcher's Bill is referred to the Considⁿ of
the next Sess^{ns} And your Concurrence to this Parliamentary

U.H.J. Order will wee believe Suffice him at p^sent till we can be further Informed of his Case a Duplicate of w^{ch} order to be Signed by the Clks of both houses we p^pose to be sent to the Sherr.

Signed p Ord^r Joh Beale Cl Up ho.

The foregoing Message with the Bill Investing an Estate of Inheritance in fee Simple of twelve hundred Acres parte of a tract of Land Called New Munster lying in Elk River in Cecill County in Rich^d Thatcher of Cecill County to him & his Heirs & Assigns for ever and three hundred Acres more part of the said Tract of Land Called New Munster in Peter Massey & Sarah his wife to them & their Heirs forever with the severall Papers thereto relateing, Sent to the Lower house by Col Tilghman who returns & Says he delivered his message

The Petition of Winifred Holland of Kent Island Widow Complaining against the hardship of One half of her dece^d Husbands Estate who dyed Intestate going to the Free School is thus Endorst Viz.

This Petition is referred to the Considⁿ of the Assembly the Pet^r Seeming to be a great Object of Charity

Cha: Calvert
Oct the 27th 1720

p. 90 Which Pet^o with his Hon^r the Gov^{rs} Endorsement as af^d being read is Ord^d to be thus Endorst Viz

By the Upp^r house of Assembly

Oct^o the 27th 1720

This Pet^r is Adjudged a Proper Object of Charity & therefore we Desire you to Joyne with us to Recommend it to the Visitors of the free School that they may Allow it her

Signed p Ord^r Joh Beale Clk Up Ho.

Sent to the Lower house by Esq^r Lloyd who Returns and Says he Delivered the same.

Col Hynson and Capt Jones Deliver his Hon^r the Gov^r the following Message Viz.

By the Lower house of Assembly

Oct^r the 27th 1720

May It Please Your Hon^{rs}

We Agree wth your Hon^{rs} that the Records ought to be secured from the weather and therefore have Appointed the

Hon^{ble} Tho^s Bordley Esq^r of your house and Amos Garrett U. H. J. Esq^r of our house if they think fitt to Undertake the Same to Inspect the Land & Secr^{ys} Offices & to Agree with workmen to make the Necessary Reparacons in Ord^r to secure the Records from any Damage they may Sustain by means of the Weather Who are to make their Report thereunto the next Sess^{ns} unless the Gentlⁿ appointed by the Law will pceed further therein according to the Direction of that Law

Signed p Ord^r M Jenifer Cl Lo House

The Petition of Jn^o Gresham Esq^r to his Hon^r the Gov^r & p. 91
this house about his negros being kept by the Indians &c.
being read is Orderd to be thus Endorst Viz.

By his Hon^r the Gov^r & the Upp^r house of Assembly

Oct^r the 27th 1720

The Consideration of the wthin Petition is referred to the
Next Private Councill

Signed p Ord^r Joh Beale Cl up. Ho

M^r Earle & M^r Hanson from the Lower house deliver his
Hon^r the Gov^r

The Petition of Winifred Holland of Kent Island Widow
w^{ch} is thus Endorst Viz.

By the Low^r house of Assembly

Oct^r the 27. 1720

May It please Your Hon^{rs}

We are willing to Joine in any Recommendation your House
shall make of the Pet^{rs} Case.

Signed p Ord^r M Jenifer Cl. Lo. Ho.

M^r Lee and M^r Crabb from the Lower House deliver his
Hon^r the Gov^r the two following Engrost Bills Viz.

A Bill for the Reliefe of Marreen Duvall a languishing
Prison^r in Prince Geo^s County

A Bill to Confirme a Deed of Bargain & Sale from Francis p. 92
Swanson to Tho^s Plumer to each of w^{ch} Engrost Bills are
thereto thus Written Viz

Oct^r the 27th 1720

Read & assented to by the Lower House of Assembly and

Signed p Ord^r M Jenifer Cl. Lo. Ho

U. H. J. Which foregoing two Engrost Bills being read are thereto thus written Viz.

Oct^r the 27th 1720

Read and Assented to by the Upp^r house of Assembly And
Signed p Order Joh Beale Cl Up Ho.

Esq^r Hall Sent to the Lower House with the two Paper Bills of the af^d two Engrost Bills and to Acquaint them that the Engrost Bills are Assented to by this house who returns & Says he Delivered his message

The Address of this house to his Lordship in Answer to his Speech at the Opening this Sess^{ns} being Prepared Approved of and Signed by the members of this Board is Ordered to be Enterd & is as follows Viz.

p. 93 To the Right Hon^{ble} Charles Absolute Lord and Proprietrie of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c.

The Humble Address of the Upper house of Assembly
of Maryland.

May itt Please y^r Lordship.

It is with great Satisfaction that we Contemplate your L^{dps} Obliging Speech delivered to us & to the Lower House of Assembly by the mouth of the Hon^{ble} Cha: Calvert Esq^r your L^{dps} Lie^{vt} & our p^sent Governour by your Provident Care and goodness Placed over us Instead of Administring the Government by Tho^s Brooke Esq^r the first named in your Councill for w^{ch} we begg leave to Return our most gratefull Acknowledgm^{ts} & Assure y^r L^d that we will in all Respects endeavour so to demean ourselves as to meritt yours & his Approbation by a faithfull discharge of our Respective Duties

The Assurances your L^dship has been Pleased to give us of his Hon^{rs} Approv'd Loyalty to our Dread Sovⁿ King George and his former Endeavours & good inclinations to unite the Interest of your L^dship & this Province neither extending your Prerogative nor Lessening Our Privilege beyond their p^{per} bounds together with his obligeing Behaviour & the Impartiall Resolutions he has hitherto Professed since he Came amongst us leaves us no Room to doubt of the good
p. 94 Effects of his future Adm^{roon} Especially when we Consider that your L^dship has been favourably pleased to Lay your Comands upon him to Perform w^t seems so Agreeable to these his good inclinations

It is a Plain Indication of your Lordship's Obligeing disposition that you have been pleased to Communicate to us your

disapproveing the pceedings of Tho^s Brooke Esq^r w^{ch} we are U. H. J. willing to believe were rather the Effects of a mistaken Judgm^t formed by Pernicious Counsells than the pduct of his own Inclinations, It was wth great Concern we heard (tho at the same time we Could not believe) the malicious and false Reports industriously Spread amongst us that your Lordship had sent a private Comission to the said Tho^s Brooke Esq^r to take upon him the Adm^{con} of this Govern^t dureing the Residence of our late Governour But your L^dships Expressions by w^{ch} you Signifie your Detestation of such indirect Measures in Governing administers new Occasion of Satisfaction to us, and Induces us to believe that thô your L^dship is Absent from us we shall still be Govern'd by the Rules of Justice and Honour In the mean time we begg leave to Assure your L^dship that our Endeavours shall not be wanting in our Severall Stations to pmote to the utmost of our Power the Establishment of Peace & Tranquility in this Province & shall Readily Indulge our Dissenting Brethren in Church and State as farr as a Charitable Inclination Circumscribed by the Laws of our Country will Permitt

Your Lordships favourable Approbation of our Choice of an Agent to negotiate the Affairs of this Province in Great Brittain together with the Character you are Pleased to give p. 95 of His Strict Adherence to the Protestant Interest & his Loyalty to his Maj^{ty} King George confirms us in the good Opinion we before had of him & will be a farther Obligⁿ on us to Solicite the Continuance of his good Offices in behalf of this pvince.

And now may it Please your L^dship we begg leave in the Joyfullest manner to Congratulate Your accession to the Sole Adm^{con} of the Governm^t of this your pvince of Maryland under his Most Sacred Maj^{ty} King George by attaining on the 29th of Sept last to the Completion of those years which the known Laws of Great Brittain and Consequently of this pvince has fixt as a Certⁿ period to minority It was wth the greatest Demonstrations of Joy and the Utmost decency our Circumstances Could furnish that the Celebracon of that day was pformed in this your L^dships Metropolis and we hope we shall in succeeding years have the same Oppertunity and Occasion from the Same Sence of Benefitts to Celebrate the Anniversary of it, For as your Early Genius had acquired Qualifications Suitable to Governm^t before the Time So we Promise Ourselves your future Improvements will be at least Proportionable which must needs rend^r you a happy Prop^{ty} and us an happy people and Both Acceptable to his most

U. H. J. gracious Majesty which is (may It Please your Lordship)
 p. 96 the Sincere Desire of

Y^r L^dships most dutifull and

faithfull Humble Servants

W ^m Holland	Samuel Young
John Hall	Henry Lowe
Tho ^s Addison	Matt. T. Ward
Phil Lloyd	Tho ^s Bordley
Richard Tilghman	James Bowles

M^r Lee & Esq^r Rousby from the Low^r house Acq^t his Hon^r the Governour that their house haveing nothing of Business lyeing before them But waits his Hon^r the Governours Comands

On M^r Dan^l Dulanys motion made in Writeing to this house on behalf of Matt. Wallace & others in a Bill Lying before the Lower house Concerning part of New Munster in Relation to Evid^s &c. the said motion is Ord^d to be thus Endorst Viz.

By the Upp^r house of Assembly

Oct^r the 27th 1720

This Board is of Opⁿ that the within motion is Just and Reasonable & Desire the Lower House would Direct their
 p. 97 Clk to deliver Wallace or his Councill (on Application) Copys of all the Evidences of any Kind that lye before their house And to name Com^{rs} to Examine such Wittnesses as shall be mencōned to them on Either Side that are or shall become unable to Travell But that such as are be Sumōned down to Attend next Sessions

Signed p Ord^r Joh Beale Cl Up ho.

Sent to the Lower house by Esq^r Lloyd who returns & Says he delivered the same

Col Young sent to the Lower House to Acq^t M^r Speaker that his honour the Gov^r requires him & the whole house to Attend him Immediately in the Councill Chamber who ret^{ns} and Says he delivered the same.

Whereupon M^r Speaker & the whole House Attend his Hon^r the Gov^r and Saw the following Acts sealed with his L^dship's Greater Seale of this pvince And Assented to by his Hon^r the Gover^r on the behalf of the Right Hon^{ble} the Lord Prop^{ry} of this pvince Viz.

N^o 1. An Act for the naturalization of John Peter Zenger of Kent County Printer & his Children.

N^o 2. An Act for Confirmation of Certain deeds of Sale to W^m Matthew Esq^r of Lands in Baltemore County.

3. An Act for Raising a Duty of three pence p^h on all U. H. J. Tob^o Exported out of this p^ovince for the use therein mentioned.

4. A Supplementary Act to the Act to Limitt the Continu- p. 98
ance of Actions in severall Courts wthin this Province And Ascertainning the manner of takeing the Evidence of Sea fareing men and for Granting Appeals from the Chancery Court to the Gov^r and Councill.

5. An Act for the Confirmation of the Land therein mentioned to Richard Bennett Esq^r

6. An Act for granting unto Edw^d Smith of the City of Annapolis Sawyer One hundred and Twenty foot of ground in the same City to Keep a Sawyers Yard on for the Encouragem^t of his Trade.

N^o 7. A Supplementary Act to the Act for Reliefe of Thomas Manning of Calvert County.

N^o 8. A Supplementary Act to the Act Entituled an Act for Laying an Imposition on Negroes and on severall Sorts of Liquor Imported And also on Irish Servants to Prevent the Importing too great a number of Irish Papists into this Province.

9. An Act Declaring the Punishm^t of Burning of Court p. 99
Houses.

10. An Act to Restrain the Rigour of Prosecutions on Adm^{con} or Testamentary Bonds

11. An Act Impowering Mess^{rs} W^m Clayton of Talbot County and James Earle & William Turbutt of Queen Anns County to sell off the Lands of Rob^t Smith Esq^r late of Talbott County af^d dece^d to pay to Richard Cole of Queen Anns County & Mary his wife the Daughter and Heir of Renatus Smith dece^d the Surviveing Exec^r of the said Robert Smith dece^d what the said Renatus Smith paid on Account of the said Robert Smith more than Effects Came to his hands and for the payment of his Other Debts

12. A Supplementary Act to the Act for Ascertainning the Bounds of Land within this p^ovince

13. An Act for the Relief of Marreen Duvall a Languish- p. 100
ing Prisoner in Prince Georges County

14. An Act to Confirm a Deed of Bargain and Sale from Francis Swanson to Thomas Plumer.

After which His Honour the Governour is pleased to bespeake the Gentlemen of the Upper and Lower Houses of Assembly as follows Viz

Gentlemen of the Upper and Lower Houses of Assembly p. 101

I Cannot take my Leave of you Without Expressing the great Satisfaction, I have met with since my Arrivall in the

U. H. J. Country in Your Ready Concurrence and Dispatch of the Severall Matters which I had the Honour to Lay before You by his Lordships Commands. I shall Allways Carefully In-deavour to doe all that may be in my Power to Deserve the Esteem of the good people of this Province in Generall, and perticularly of this Generall Assembly and Doe not Doubt but with Your Assistance to Establish a perfect good Understanding among all his Majestys Good Subjects of this Province

Gentlemen.

Since you have so happily Concluded Every thing that is Immediately necessary for the publick Welfare, it remains only that I prorogue you to the second Tuesday in February next and do require you to Take notice that you are accordingly so prorogued

Cha: Calvert

p. 102 So Ends the 6th Session of Assembly held for this Province Since his Lordship the R^t Honourable Charles Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been Restored to his Governm^t of this Province this 27 day of October in the 5th year of his Lordships Dominion &c. Annoq Domini 1720

Test Joh Beale Cl Up Ho.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 11-27, 1720.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss:

At a Sessions of Assembly begun (by Prorogation from the twenty second Day of Aprill Anno Domini 1720) Held at the City of Annapolis in [Ann] Arundell County on Tuesday the Eleventh Day of October in The Sixth year of the Dominion of the Right Hon^{ble} Charles Absolute Lord & P^{pry} of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c Annoq. Domi 1720 Appeared in the Lower House of Assembly of the Same pvince

L. H. J.
Calvert
Papers
(771)
p. 1

The Hon^{ble} Robert Ungle Esq^r Speaker

For S^t Marys County.

Somerset

Mr. Tho. Waughop

Cap^t Jno Jones

Mr Geo Clark

M^r Geo Dashiel

Kent

Dorchester

Coll^o Nath^l Hynson

M^r John Brannock

Cap^t S^t Leger Codd

Coll^o Rog^r Woolford

M^r James Smith

Cap^t Jno Rider

M^r Lamb^t Willmore

M^r Peter Taylor

Ann Arrundell

Talbott

M^r Joseph Hill

M^r Tho Edmondson

Capt Dan^l Mariarte

Baltimore

M^r Rich^d Warfield

Coll^o James Maxwell

M^r Edm^d Benson

Cap^t Frd. Dallahide

City Annapolis

Ceecill

Benjn Tasker Esq^r

Coll^o Eph^m Augⁿ Harman

Amos Garrett Esq^r

M^r Rog^r Larramore

Calvert County

M^r W^m Dare

Coll^o Jno Mackall

Prince George's

Jno Rousby Esq^r

James Stoddert Esq^r

Charles

M^r Ralph Crabb

Capt Jno. Fendall

Queen Ann's

M^r Geo. Dent

M^r James Earle

M^r Tho. Fisher

M^r William Turbut

Afterwards by his Lordships Writt of Prorogation this present Assembly is Prorogued till to Morrow

L. H. J.
p. 2Wednesday Oct^r the 12th

The House meet According To prorogation Present as yesterday

Ordered that M^r Stoddart & M^r Benson go to the Upper House to Acquaint them that a sufficient number of Members are met to make an House

They return & Say they Deliver'd their Message

Coll^o Young from the Upper House Acquaints M^r Speaker That the Gov^r being Sick His Hon^r the Chancellor on the Governours behalf, requires M^r Speaker and the Whole House to Attend him in the Upper House.

Thereupon M^r Speaker with the Whole House went to the Upper House; Where his Honor the Chancellor (on his Lordships & his Hon^{rs} the Gov^{rs} behalfe) Deliver'd the following Speech Viz.

Gentl.

His Hon^r the Gov^r being Sick has Directed me to Communicate to you what follows w^{ch} you are to take as from his mouth.

Gent. of the Upp^r & Lower Houses of Assembly

I have since my Arrival had an Oppertunity to lay before my Lord Proprietaries Council the Reasons that induced him to send me hither. And I am Commanded to Deliver the same Also to you thus Convened in their Lordships my Lord Guilford's & my Lord Baltemor's own words, Viz.

Gentl of the Upper & Lower Houses of Assembly.

Baltemor } Wee take this Oppertunity by the mouth of
Guilford } our well beloved Charles Calvert our Cousin
and Leuten^t to Acquaint you with the Reasons which have moved us to place him Over you.

His Approved Loyalty and his ffaithfull Service to our Dread Sovereign King George.

p. 3 The many Observations which (During his Friendship with us) Wee have of his kind wishes and hearty Endeavours (as much as in him Occasionally lay) to make the Interest of the Province & Proprietary One without either extending our Prerogative, or Lessening yo^r Priviledge (which now wee have put power into his hands) Wee Doubt not but he will, And wee strictly Comand him punctually to ballance.

Wee Can't Omitt Gent, on this Occasion to Disapprove the Late hasty Proceedings of Tho^s Brooke Esq^r tho' we have

reason to believe, he intended nothing more than our and your L. H. J. Service, thereby, and very much Condemn the Malicious reports and Insinuations of those who have Endeavoured to Disturb the minds of the good people of Maryland by Suggesting that we had sent a Private Commission to the said Thomas Brooke to take upon him the Government During the residence of our Late Lieutenant J^{no} Hart Esq^r a Method wee scorne to rule by and which has Induced us to Change our Designe of Administring the Government by the person first named in our Councill and place it as we have Done till such Time as the Affairs of Your Lord and Proprietary will allow him to reside among you himselfe, or he shall otherwise dispose thereof. When he hopes to bury those seeds of Rancour & Jealousie which have too long prevail'd among the People and so to unite their hearts and Minds, that the Misguided part of the Provinces Desenting from our blessed Establishm^t both in Church and State will Peaceably & quietly Submitt to the known Laws by his mild yet due Execution of them.

In the Mean Time tis our Peculiar good Fortune that his Majesties faithfull Subjects of the Province have Intrusted the Direction of their Application to the Care of Coll^o Nath^l Blackistone a Person so Constantly Attached to the protestant Interest and of such known and approved Loyalty to the King and Esteem with his Ministers that Wee take pleasure at his Instances to make our Power Conducive to your happyness.

Gentl of the Upper and Lower houses of Assembly.

I shall not trouble you my Self with Long Harangues but rather Chuse to let Time & my future actions demonstrate how much I desire the Peace and Prosperity of this Province and that I may demean myself so (if possible) to Answer his Majesties great Goodness in Approveing and my Lord Proprietaries bounty in Placing of me in this Station.

And as I cannot more Effectually shew my Loyalty, to our Sovereigne Lord King George Than in a Steady Adherence to our happy Establishment in his Illustrious Line by Encourageing and trusting in the several Offices of Government his Majesties Approved & Tryed Subjects and keeping within due bounds our unhappy Dissenters from it (which I am Determined to do) so I cannot more Sincerely shew my Duty to our Lord and Proprietary than by Zealously Recommend- ing to your Deliberate and peacefull Consideracons the Several matters and things with w^{ch} I am Instructed, Copys whereof I shall. Order forthwith to be laid before you, w^{ch} when by yo^r wise Counsills happily Accomplished must necessarily Tend to a Real Benefit and Lasting good understanding

L. H. J. between the Proprietary and his Majesties ffaithfull Subjects of this Province, from whence I hope to make my Government most Acceptable to you.

Gentl I have had Experience and felt myself the benefit of his L^{dps} Benign sweet Disposition and am well Acquainted with his Practice & steady Resolution in Treading in the Paths of Justice & honour and I have his Particular Com-mands to Assure you that his whole aim and Study shall be to live with the good People of Maryland as a bountifull In-dulgent Father would towards a Dutiful Deserving Son, And I affirm,

Do you do your Parts, he will Delight himself to do his.

Cha: Calvert.

Afterwards M^r Speaker with the whole House returne to their own House, Where M^r Speaker Resumes the Chair.

M^r Roger Mathews a Delagate returned to serve for Balte-more County in the Room of Coll^o James Phillips Deceased and W^m Clayton a Delagate for Talbot County in the room of M^r Tho. Emerson Deced and M^r Stephen Knight a Delagate returned for Cecill Co^{ty} to serve in the Room of Cap^t James Frisby Deced Appeared in the House. Ordered that Coll^o Maxwell Coll^o Harman & M^r Edmondson go to the Upper House to see them Quallified

They returne and say, They saw them Quallified, Where-upon they take their Places.

Ordered that M^r Speaker Issue his Warrant to the Secre-tary to prepare new Writts of Elections to the Sherriff of Saint Marys County for Electing a Delegate in the room of Tho Trueman Greenfield who since his Election is made Sherriff of that County, and to the sherriff of Queen Ann's County for the Electing a Delegate in the room of .Cap^t Charles Wright who is Dead Since the Last Assembly.

Which was Accordingly Issued.

The Committees following are appointed and sent out viz.

p. 5 For the Committee of Election & Priviledges

Coll^o John Mackall John Rousby Esq^r M^r James Lloyd M^r Ralph Crabb and Major Rich^d Colegate.

For the Committee of Laws.

James Stoddert Esq^r M^r Philip Lee M^r James Smith Coll^o Roger Woolford Coll^o J^{no} Mackall Major Rich^d Colegate and M^r Edm^d Benson

For the Committee of Grievances

L. H. J.

M^r Robert Tyler Cap^t Dan^{ll} Mariarte Coll^o Nathan^{ll} Hynson
M^r Tho^s Fisher M^r Richard Warfield.

For the Committee of Accounts.

M^r Joseph Hill Cap^t S^t Leiger Codd Cap^t John Ryder M^r
James Earle & M^r William Turbut.

Resolved that this House will sit to do business from nine
of the Clock in the forenoon till four of the Clock in the after-
noon

Ordered the following Message be prepared viz.

May it Please yo^r Honours.

This House in Order to Dispatch business as much as in
them lies have Entered a Resolve to sit from nine of the
Clock in the forenoon till four of the Clock in the Afternoon,
and desire to know whether the times proposed be Agreeable
to Your Honours.

Signed p Order M Jenifer Clk Lo Ho

And Sent to the Upper House by M^r Benson and M^r Clay-
ton They returne & say they Delivered it.

Coll^o Young from the Upp^r House Delivers M^r Speaker the
following Message Viz.

By the Upper house of Assembly October the 12th 1720.
Gentlemen.

You have herewith a Letter from Coll^o Blackiston, the
Agent for this Province Directed to the General Assembly.
You will find thereby how Solicitous he has been in the Trans-
acting the Affairs of Maryland and Doubt not but you will
return an Agreeable Answer.

Signed p Order Joh Beale Clk Upp^r House.

And also Delivers the Letter therein mention'd which was
read & refered till to morrow morning for further Considera-
tion. The House Adjourns till to morrow morning Eight of
the Clock.

Thursday morning October the 13th 1720.

The House meet According to Adjournm^t. Present as p. 6

L. H. J. Yesterday with the Addition of Cap^t Tho Greenfield Cap^t Lee M^r Benj Wailes M^r J^{no} Caldwell.

Yesterdays proceedings are Read.

Ordered that the members of Ann Arrundell County return the Thanks of this House to the Reverend M^r Samuel Skippon for his Sermon Preached Yesterday.

Philemon Lloyd Esq^r from the upper House Delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly October the 12th 1720

Wee approve of your proposal as to yo^r Time of Sitting.

Signed p^r Order Joh Beale Clk Upp^r ho

The house Adjourns till one of the Clock in the Afternoon

Post Merediem The House meet according to Adjournment

Major Rich^d Colegate appears in the House. Coll^o Tilghman & two others from the Upper House Delivers M^r Speaker the following Message and papers, which were Read & Ordered to be Entred as follows, Viz.

By the Upper House of Assembly, October the 13th 1720

Gentlemen. You have herewith Sundry Instructions & their Lordsh^{ps} Speech that was laid before you the Last Assembly which his Honour the Governour in pursuance of his Lordships Commands Communicated to us and has Likewise Required the same to be laid before you.

Signed p^r Order Joh Beale Clk Up Ho

Orders and Instructions to be Observed by John Hart Esq^r our Lieu^t Governour &c^a for the Province of Maryland and in his Absence by the first pson of our Councill for the Time being. Given by us at London this 30th Day of December Anno D^{mi} 1719. Wee herewith send you a Copy of a Letter Directed to my Lord Guilford from the Lords Com^{mrs} for Trade & Plantations relateing to the Boundaries of Maryland and Likewise a Copy of their Letter Concerning the manufactureing of Pitch and Tarr, together with a Printed
p. 7 Copy of the Act of Parliam^t and a Copy of the Certificate to be Given by the Officers of the Customs. And also a Copy of an Account of the Method Practiced in Muscovey for making Tarr and rules for making Hemp, menconed in the said Letter, And we do hereby direct & require that you the said John Hart, and in your Absence the person first named in our

Council, (for the Time being) do take such Order, and give L. H. J. such Directions to the proper Officers or persons most Capable to perform the same that the particulars Desired in the said Letter Relating to the Boundaries may in the best manner possible Answer his Majesties Service and the benefit of the Plantations, and that you return the Accounts thereof to us. And you are hereby further required and directed to make known to the Manufactures of Pitch & Tarr, the Encouragement Designed them, and the Benefit proposed to this Kingdom & the Plantations.

2^{dly} At the next Sessions of Assembly you shall lay before the Upper & Lower Houses our Speech herewith Transmitted to you in Answer to their Address And you shall use your Endeavours, That the several matters therein recommended be Complied with wee verily believing every one of them Advantageous & profitable for the Publick.

3^{dly} Whereas it has been found Inconvenient & Almost Impracticable by the Ill health w^{ch} you the s^d John Hart & your family have Laboured under to leave the province in that Season of the year, which by our former Instructions you were appointed to do. You are hereby Impowered to remain in it till May next (if you think fit) according to the Desire of your Letter of the 4th of July last. But that neither his Majesties goodness in approving (at our request) of your Departures on Account of your health nor our Licence permitting you to Come into England granted at your Own most Earnest Solicitations may become useless, We now positively Command & require That you the said John Hart do leave the Province sometime in the month of May (at farthest) which shall be in the Year of our Lord one thousand Seven hundred & twenty.

Whereby you will have the better Oppertunity to explaine & Justifie those other reasons w^{ch} you presume his Majestie is not unacquainted with for your Desireing to returne and we to maintaine, that there is nothing due to you by the Law for the Support of Government without having given the Least p. 8 Ground to Imagine that his Maj^{ty}s Grace & favour intended to you is Evaded by Totally removing you from yo^r Office instead of Giving you Leave to be Absent from it, (which we shall do when we think fit) [a] most unadvised (to give it no worse Term) Declaration of Yours on the Opinion of our Council Given, that by the said Law, there is no Provision made for you During your Absence. In which Time we will rest assured, That the good People of Maryland, bound by their Allegiance to his Majesty & the duty they owe to us, and themselves, will so unanimously & Stoutly assist those in whose hands, we with his Majestys Approbation have thought

L. H. J. fit, to entrust the Administration of the Government, That in Case of Forreign Invasion, Insurrections, Famine, or further Instructions from Great Britain, the Peace of the Province will be duly maintained, and every man's Property Protected.

4^{thly} As soon as Conveniently may be, after the receipt thereof, our will is, That these our Instructions be laid before our Council Solemnly Called together to be Entred on their Journals, And the person first named of our Councill taking upon him the Administracon of the Government Dureing the Absence of the said John Hart our Lieu^t Governour, to whom we have Sent a Duplicate hereof, is hereby empowered to do & Execute the Several Powers and Instructions now and formerly sent or hereafter to be sent, as Occasion and his Duty shall require.

Baltimore
Guilford.

Gentlemen of the Upper and Lower Houses of Assembly.

On due Consideration of the Act of Assembly Intituled an Act, for Ascertainig the bounds of Land within the Province. Wee find it Absolutely Necessary to Recommend to you to explaine or Reenacte the said Law, That whilst you are
p. 9 Endeavouring to Secure & Quiet Men in there Possession You do not so bind them Down to the Determination of Commissioners to be Appointed by Vertue of the s^d Act as to make their Sentence final, without Appeale (Except Conditionally to his Majesty in Council as by the s^d Act is Provided to whose Sacred Person every man ought to be at Liberty to Address themselves without our Intermeddling therewith by Acts of Assembly) whereby in a manner you even shut up the Courts of Justice which can never Correspond with the Liberty of a free People or be Deem'd Consonant to the Laws of Great Britain The Standard by w^{ch} we are Obliged to Govern our Councils.

Among the several Laws made at a Session of Assembly in May Last we have thought fit to Dissent to the Act Intituled an Act for Relief of John Beale of Charles Town Gent: and Richard Beale a Minor and do hereby declare the same Null, Void & of no Effect for as much as the Legislature of Great Britaine never interferes to Dispose of property without the Consent of all Parties Leaving every Mans Right to be Ruled by the known Laws of the Land.

And as we can never more certainly demonstrate the Real Confidence we have in the good people of Maryl^d than by truly Communicating our Sentements on the proceedings of you their Representatives, wee now Signifie that altho, we have not yet

Dissented to the Late Act made for Limitation of Officers L. H. J. fees Yet we Cannot in our Judgment approve thereof, well knowing that tis neither for our Honour or the Peoples Interest, in the Dispatch of their Business That Publick Ministers should be deprived of those Allowances which by Law they have Enjoyed; and w^{ch} ought not only to be Sufficient to pay them for their Labour, but Large enough to encourage Industry and integrity in Men of Ability to Administer the affairs of the Government, whether actually residing in the Province, or attending the person of yo^r Lord and Proprietary wherever he is.

Gentlemen, The Ease, we find in the Receipt of the Sevrall Duties on Tobacco Settled in Lieu of our Quitt Rents & Alienation Fines and the better to enable us to Support our Government whereby you are protected together with the Great benefit & advantage which the poorer and more numerous part of the Inhabitants of our Province reap from thence in the Nonpayment of their Rents as reserved, has induced us, p. 10 for the Common Good to Consent & Recommend to you to pass a Law for Continuance of the Act Entitled an Act Ascertainning the Gauge and Tare of Tobacco h^{ds} &c. to Commence & remain in force for Three years to Come from the Expiration of the said Act, Whereby the af^d Dutys arise: and we Cannot think you'll need to be put in Mind to Continue the Act for regulating of Ordinaries for the reasons (amongst many others) recited in the preamble thereof.

We are much Concern'd Gentlemen that you our friends & Tenants, his Maj^{ty}s good Subjects can have no Expectation of Benefit from the Duty of one penny p pound laid on Tobacco Transported from Plantation to Plantation his Late majesty King William of Glorious Memory having by letters Patents under the great Seale of England settled the Same forever on the Colledge of Virginia. But do not doubt with your Assistance by our Owne power to Establish such a fund for Encouragement of Learning in Maryland as to Answer the very pious & Worthy Design of Supporting the Free School already built at Annapolis; but to make it so Effectually usefull, That yo^r own Children, there made Capable, may reap the Advantage of Discharging the Sevrall Offices of Government both in Church & State to the Conversion of yo^r Neighbours and fellow Citizens from the Superstition of the Church of Rome, and to the manifest good of us all in the Equall Distribution of Justice.

Baltimore
Guilford

L. H. J. And you are Immediately to put in execution (as much as in you lies) our Late Instructions of the 30th December 1719 directed to be Observed by the said John Hart as Effectually as if they were directed to your Self and you shall use your utmost Endeavour with the General Assembly, (w^{ch} you are here Directed to Call together with the advice of our Council as soon as Conveniently may be) That the severall Matters & things by us in our Late Speech recommended to them may be Complied with if any of them shall remaine unfinished upon yo^r Arrival, Duplicates of which Instructions & Speech we have herewith delivered to you.

p. 11 Whereas by Act of Assembly 3 pence p^p h^h^d is Given to J^{no} Hart Esq^r so Long as he shall Continue Govern^r in & over our Province of Maryland reciting Among other things in the preamble of the s^d Act the great hopes & Expectations the Generall Assembly had of his Good Government.

And whereas the General Assembly have Lately Addressed themselves to us in relation to the Support of the ffree school built at Annapolis, and we having signified our intentions with their Assistance to promote so good an Undertaking, Cannot think it will be unacceptable to a people so well Disposed That a Moiety of the said Three pence Should be Applied towards the maintenance of the s^d School and the other moiety should be Given to the Governour for the Time being the better to Encourage him from Time to Time to see the same usefully Applied and to induce him by all other methods that may Offer to bring to perfection so pious a Designe or at Least that you the said Charles Calvert should Enjoy the sd. moiety, being Confident that you will in all things answer our Wishes and not Doubting but the Hopes and Expectations of the good People of Maryland will be as fully answered by yo^r good Government as by any who have gone before you. It is therefore our Desire That the same be so Applied.

On Reading and Considering that part of his L^{dps} Speech relateing to the Act for Limitation of Officers ffees, This House is of Opinion that reasons be Offered to their L^{dps} for Assenting to the Law as it now Stands, and Ordered that the Committee of Laws draw up the reasons.

As to that part Relating to the Act for Ascertaining the bounds of Land within this Province. The Question was put whether that Law shall be amended or not.

Carried in the Affirmative by the Majority of Votes Thereupon this House have Agreed to resolve it self into a Grand Committee of the whole House to Sit on Monday next then to Consider of and Receive Such proposals in Writing as shall be made by any pson relateing to the said Law. And

to review the Law to make it more beneficial to the Inhabitants of this Province. L. H. J.
p. 12

As to the Govern^{rs} Third Instruction. Resolved, that this House will Consider further thereof till to morrow Morning Ten a Clock.

The Petition of Marke Browne referred till Tuesday next for hearing.

The House Adjourns till to morrow morning nine a Clock.

Friday morning October the 14th 1720.

The House meets According to Adjo^{mt} Present as Yesterday Except M^r James Stoddart who is Absent & Excused by reason of his Indisposition.

Yesterdays Proceedings are Read M^r Alexander Contee a Member Returned to Serve for Charles County in the Room of M^r John Parry Deced: Appeared in the House.

Ordered that Cap^t Fendal and M^r Dent go to the Upper house to see him Qualified.

They return and Say they see him Qualified Whereupon he took his Place.

On Considering That part of his L^{dps} Third Instruction to his Hon^r the Gov^r for raising the Three pence p h^{hd}. The question was put whether that Duty shall be raised or not. Carried in the Negative by the Majority of Votes. The question was put whether the former Vote shall be Reassumed or not. Carried in the Affirmative by the Majority of Votes. Then the Question was put whether the three pence p h^{hd} shall be raised or not. Carried in the Negative by the Majority of Votes. The Petition of Marine Duvall Sen^r praying to be relieved fro a Judgment Obtained by Micajah Perry and Company against him was Read and Ordered that the person or persons concerned for the said Perry appear before this House at two of the Clock in the afternoon to make their Objections if any thereto.

Thomas Bordley and James Bowles Esq^{rs} from the Upper p. 13
House Deliver M^r Speaker the following Message Viz.

By the Upper house of Assembly, October the 14th 1720.
Gentlemen.

Observing many Inconveniencies to Attend the Act Intituled an Act to Limit the Continuance of Actions in the Several Courts within this Province and Ascertainning the manner of takeing the Evidence of Seafaring Men, And for Granting Appeals from the Chancery Court to the Govern^r and Council. We propose it to your Consideracon if it

L. H. J. may not be advisable to Repeale or Amend the said Act so far as it relates to the Limitation of the Continuance of Actions.

Signed p Order Joh. Beale Cl Upp^r Ho

M^r Contee added to the Committee of Laws. Coll^o Mackall from the Committee of Elections and Priviledges returns the following Report viz. By the Committee of Elections and Priviledges. October the 14th 1720. On Inspection into the Indentures returned for M^r Roger Matthews a Member for Baltemore County as Also Mr. Alexander Contee a Member returned for Charles County. Wee find them Duly Elected.

Wee also find an Indenture returned for M^r William Clayton of Talbot County without a Writt which wee leave to the Consideration of the House.

Wee find no Indenture returned for M^r Knight of Cecill County, w^{ch} we also leave to the Consideration of the House.

Signed p^r Order. John Gibson, Cl. Elect & Privil.¹

Coll^o Young and Coll^o Addison from the Upper house Delivered to M^r Speaker the following Message Viz:

By the Upper House of Assembly, October the 14th 1720.

Gentlemen. Having duly Considered the Third Article
 p. 14 of the Governours Instructions (a Copy whereof hath been Sent you) and having perused our Joint Address made last Sessions to the Lords Baltemore & Guilford.

Wee find amongst other things therein that wee Gave their Lordship's our Promise that wee should with great Alacrity Embrace any Oppertunity that their Lordship's should favourably Offer to so good an End as the Propogation of Schools. Wee presume you will Esteem this Article as a favourable Offer to that good End and that you will proceed Accordingly.

Signed p^r Order Joh Beale Cl Up^r Ho

On Reading the Report of the Committee of Elections & Priviledges this House Concurr with the first part thereof, And as to the Latter part thereof touching M^r Knight he is Desired to Withdraw till it Can appear to this House by the returne of the Writt of Election and Indentures that he is duly Elected. And

Ordered that Warrant Issue to the Serjeant of this House to bring the Sherif of Cecill County before this House

¹The signature thus in contemporary bound copy. In the manuscript from which this text is taken the name of "John Beale Cl up. ho." has been substituted by erasure.

to Answer for his Default therein. And also against the L. H. J. Sherriff of Talbott County for not returning the Writt of Election to him Directed whereon M^r W^m Clayton was Chosen.

On Reading the Petition of Marine Duvall Leave is given him to bring in a Bill for his reliefe according to the prayer of his Petition.

The Petition of the Inhabitants of Baltemore County is read & rejected.

The Petition of Nehemiah & Anthony Lecompt is read and referred till the next Session.

The Petition of James Gladston and Mehitable Pierpoint is referred till Tuesday noon for Hearing.

The Petition of J^{no} Maccubbin praying to be relieved against ^{p. 15} a Decree made by the Land Commissioners of Ann Arundel County in favour of Samuel Young Esq^{rs} was read.

And the Question was put whether the same should be rejected or Referred.

Carry'd by Majority of Votes that it be Referred Where-upon the same is referr'd Till Tuesday next, and Ordered that Coll^o Young have Notice thereof.

The House Adjourns till to Morrow Morning nine of the Clock.

Saturday Morning October the 15th 1720.

The House meet according to Adjournm^t present as Yesterday. Yesterdays Proceedings Read. The Petition of Francis Barney praying to be Relieved against a Certain J^{no} Salisbury and Mary his Wife was Read & Referred till the next Sessions. And Order'd that all Persons Concerned have notice.

The Motion being made and the Question being put whether the Act Prohibitting the Importation of Bread, Beer, Flower &c. Should be Repealed or not. It was Carried in the Affirmative, and Ordered that the Committee of Laws prepare a Bill for the repeale thereof. Ordered that the Following Message be prepared viz^t:

By the Lower House of Assembly Octob^r the 15th 1720
May it please yo^r Hon^{rs}

In Answer to your Message of this Day by Tho: Bordley and James Bowles Esq^{rs} on the Act to Limitt the Continuance of Actions &c. This House having Examined into that Law cant perceive any Inconveniences to Attend it: but if any their be (as Your House hath Observed) wee Desire you'll Communicate them to us, that we Likewise may Consider

L. H. J. thereof. w^{ch} accordingly was prepared and sent to the Upper House by M^r Crabb & M^r Earl Who returne & say they Delivered it

The Petition of John Gresham Gent. of the Land Commissioners of Ann Arundel County was Read & Ordered to lye on the Table till Monday next.

The Petition of Charles Rivers praying to be Released from Execucon at the suite of Charles Carroll Esq^r his Ex^{rs} was
p. 16 Read. And Ordered that Notice be Given to the said Ex^{rs} To appear this Afternoon to make their Objections (if any) thereto.

The Executors of Charles Carroll Esq^r appearing and making their Objections To the said Petition and the Objections seeming reasonable to this House.

The Petition af^d is rejected. A Bill for repealing an Act of Assembly Intituled an Act Prohibiting the Importation of Bread Bear &c from Pensilvania was Read the first and Second Times (by Espicial Order) and passed And being so Endorst was Sent to the Upper House by Coll^o Maxwell and M^r Taylor, Who return and Say they have Delivered it.

The Petition of the Vestry of William & Mary Parish in Charles County referred from the Last Session to this was Read. And the Alligations of all Parties by their respective Council being heard.

The Question was put whether the same shall be rejected or not.

It was Carried in Affirmative Whereupon the petition af^d is Rejected and so Endorst. John Hall and Philemon Lloyd Esq^{rs} Deliver M^r Speaker the following Message Viz.

By the Upper House of Assembly October the 15th 1720
Gent.

The Inconveniencies that Arise on the Act to Limitt the Continuance of Actions &c. or Some of them we Doubt not will be made Evident unto you by the Observation of such Majestrates and other Court Officers as sit in your House but by those of this House that are Concerned in Courts Wee are Well Satisfied That there are Great Injuries done the Subjects by the necessity, the Court are Laid Under of Giving Judgment ag^t such as are hindred in their Causes by the meer hand of Providence viz: Sickness of Majestrates or Other Officers or of the Parties or their Evidences or other unforeseen and Inevitable Casualties; of which wee have some remarkable but melancholy Instances w^{ch} bring Concerne to the
p. 17 Judges by obliging them by Law to do Injustice force Injuries

and Oppression on the Subjects by their being Condemned if L. H. J. Defendants to the payment of unjust Demands or Loosing their Inheritance, and bring Proffit to none but the Attorneys and Officers by Obligeing them if Plaintiffs to a Renewment of their Suits.

Wee further Observe that the last Provinciaall Court tho' it Continued constantly sitting till the Saturday night before the Laying the Levy. Except a peice of a Day when they were Commanded to Attend the Gov^r on a Publick Occasion Yet they have not been able to finish those Actions that must fall by that Act if not Tryed this next week. In which Cases, where neither Plaintiff nor Defendant were Causes of the Delay but both Desirous to Come to Tryal Could the Court have heard them. There is no Provision in that Act what Judgment ought to be Rend^{red} and we think it unreasonable that either Party should Suffer in such Cases.

Signed p Order. Joh Beale Cl: Up^r Ho:

The House Adjourns till Munday Morning nine of the Clock.

Monday Morning October the 17th 1720.

The House meets According to Adjournment. Present as on Saturday Last. Last Saturdays proceedings are Read.

Resolved that no Petition be received after Wednesday next. Ordered that the Committee of Laws Inspect the Law for Limitting the Continuance of Actions and the reasons Offered by the Upper House and make their Report thereon to this House.

The house Resolves it self into a Grand Committee of the whole House According to the Order of Thursday last. Whereupon M^r Speaker Leaves the Chair and M^r Phillip Lee is Chosen Chairman of that Committee. Who makes the Report following Viz:

At a Grand Committee of the Whole House held in the Stadt house on Munday the 17th Day of October Anno Domi. 1720. Present the whole House. Who having made Choice of M^r Philip Lee for their Chairman Proceed to Consider of the Act for Ascertaining the bounds of Land within this Province According to the Resolution of the House on Thursday Last. And agree p. 18

That the number of the Commissioners who are to meet on the first view be five and each of them a ffree holder to be Elected by the Majority of ffreeholders in Each County on the

L. H. J. Second Day of November next and so every Year Successively who upon a Representation of such their Election are to be Commissionated by the Gov^r (for the Time being)

It is Likewise Agreed that an Appeal be Granted, and that Three persons be Elected in Manner aboves^d at the same Time that the five Commissioners above menconed are to be Elected and so every Year Successively who shall be Commissionated (by the Govern^r for the time being) as above; and being so Commissionated shall Act in all Appeales upon Notice Given them by the party appealing at the next County Court after the Determination of the first View. Who upon such notice given shall appoint a time (not less than three weeks) to meet on the Land in Dispute and then give due notice to all p^{rs}ons Concerned, and Proceed to hear and determine the Dispute and give Judgment thereon. Which Judgm^t shall be ffnall. And that their Commission shal Continue one Year and No Longer; And so every Election Successively for such Com^{rs}, And that they do give Publick notice thereof as Usual in Election of Delegates Ex-Officio and that every Commissioner Accepting the Commission, & quallifying himself upon non Attendance on the Premisses at the time Appointed, shall be liable to a fine of five hundred pounds of Tobacco, as well as Each Commissioner on failure as aforesaid on the first View. Unless reasonable Cause be shewn to the Commissioners present for his Excuse. And that all the Petitioners to this

p 19 Assembly be relieved by a Clause to be Added to this Bill, to have the benifit of this Appeale here provided. And that Each Commissioner have one Hundred pounds of Tobacco for each Day he shall Attend on the Lands in Dispute. The Committee finding some Members Inclinaire to lay down certain Rules for the Commissioners to Act by, Moves M^r Speaker to reassume the Chair and put the Question whether rules for the Com^{rs} to Act by shall be prescribed by the bill or not. Accordingly M^r Speaker reassumes the Chair, And on a motion whether Rules shall be Laid Downe in the Law for the Commissioners to Act by or not. It is carried in the Negative by the majority of Votes. Resolved that in Case any of the Commissioners shall dye, be Interested or Related to either Partie Contending that, then the Comm^r or Commiss^{rs} Surviving not Interested or Related to Either Party (with the approbation of the partys Contending) make Choice of another Person or Persons wanting to supply the roome of such Com^r or Commiss^{rs} so Deceased Interested or related. but in Case the parties Contending cannot or Will not Agree to the Choice of such other p^{rs}ons as aforesaid the Surviving not Interested or Related Commissioner or Commissioners him or themselves

be Impowered to make the Choice. Ordered that a Message be L. H. J. prepared as follows Viz:

By the Lower House of Assembly, October the 17th 1720.

May it Please Y^r Hon^r

This House having Considered the Act for Ascertaining the bounds of Land within this Province. Are Come to the following Resolutions thereon, for the Amendment of that Law Viz.

That the number of Commissioners on the first View be five, each of them a free holder, to be Elected by the Majority of the free holders in Each County on the Second Day of next November Court and so every Year Succesively, who upon a Representation of such their Election from the Shirriff are to be Comissioned by the Govern^r for the Time being. That appeales be Granted and that three Persons in Each County be Elected in manner aforesaid at the Time afores^d when the other Commissioners are Elected, who are to be Commissioned as above and to receive all such Appeals as upon Notice Given them by the Party Appealing at the next County Court after the Determination of the first View, shall Come before them, and upon such Notice Given them to Appoint a Time (not less than three weeks afterwards to meet on the Lands in Dispute, and then to Give due Notice thereof to all p^{rs}ons Concerned, at w^{ch} time so to be appointed they may p^{ce}eed to hear and Determine the Dispute and Give Judgment thereon. w^{ch} Judgment shall be Final. That the several Commissioners continue but for one Year. That the Sherriff give Publick notice of the Elections as usual in Electing Delegates Ex Officio. That every Commissioner accepting the Commission and Quallifying himself as a Commissioner and shall afterwards refuse to Give his Attendance as a Com^r on any Dispute that shall lie properly before him, shall be fined five hundred pounds of Tobacco to the use of the ffree schools in the Several Countys unless reasonable Cause to be shewn to the Contrary to be Allowed by the Commissioners. That the severall Petitioners to this Assembly be relieved by a Clause to be Added to the Bill, by Giving them the benefit of the Appeale here Provided. That Each Commissioner on both Commissions be Allowed one hundred pounds of Tobacco for every Day they shall Attend on the Land in Dispute. That none of the Commissioners who have formerly been Commissioners on the first Survey be againe Commissioners on the Appeale. That in Case any of the Commissioners shall die during the Continuance of their Commission, or be Interested in the Dis-

p. 20

L. H. J. pute or Related to the Contending parties. That then the
 p. 21 Commissioner or Comission^{rs} soe Surviving not Interested
 or Related with the Approbation of the parties Concerned,
 may make Choice of some other persons to Supply such
 vacancy but in Case the Contending parties will not Join or
 Cannot agree to the Choice of such Other p^{rs}ons as aforesaid.
 That then such Com^r or Comiss^{rs} Qualified as afores^d shall be
 Impowered to make the Choice.

Signed p Order M: Jenifer Cl: Lo: ho:

Which Message is Sent to the Upper House by M^r Tyler
 and five Others. Who return & say they have Delivered it.

Resolved. That the Sum of Three half pence p hh^d be raised
 on all Tobacco to be Exported out of the Province to the use
 of Free Schools within the Several Counties to be apply'd in
 the same manner as the Twenty Shillings Current Money p
 Poll on Negroes is And Three half pence p hh^d more to the
 use of his Hon^r the Gov^r And the Act by which it is raised to
 Continue till the twenty ninth Day of September next. Re-
 solved, That a Bill be prepared to give further Time for the
 Continuance of Actions Viz: in the County and Provincial
 Courts to the End of the fourth Court after an Appearance.

The House Adjourns till to morrow morning nine of the
 Clock.

Tuesday Morning October the 18th 1720.

The House Meets According to Adjournment

Yesterdays Proceedings are Read. Coll^o Tilghman from
 the Upper House Delivers M^r Speaker the Bill repealing the
 Act prohibiting the Importacon of Bread, Beer, Flower &c
 from Pensilvania thus Endorsed Viz:

By the Upper House of Assembly October the 15th 1720

Read the first Time and Ordered to be read again on Mon-
 day Morning.

Signed p Order Joh Beale Cl Up. ho.

By the Upper house of Assembly, October the 18th 1720

This Bill on the Second Reading will not Pass.

Signed p order Joh Beale Cl. Up. ho:

And Delivers the Petition of Thomas Manning thus En- L. H. J.
dorsed Viz^t

By the Upper house of Assembly October the 17th 1720

The within petition being Read, the Consideracon thereof p. 22
is referred to the Lower House.

Signed p Order Joh. Beale Cl. Up. ho.

The Petition of John Peter Zinger (praying to be Natural-
ized) is Read and Leave Given to bring in a Bill on qualifying
himself according to Law.

The following Message is prepared Viz:

By the Lower House of Assembly October the 17th 1720

May it please your Hon^{rs}.

On Considering the Third Article of the Gov^{rs} Instructions
Communicated to us, And in Answer to your Message of the
fourteenth Instant by Coll^o Young and Coll^o Addison and to
Demonstrate as well our Readyness to Embrace this Oppor-
tunity so favourably Offered by their Lordships for the Propo-
gation of Learning as to Shew our respect to his Honour the
Governor, and the Great hopes and Expectations we have of
his hon^{rs} good Governm^t, We have resolved that the sum of
three halfe pence p hh^d be Raised on all Tobacco Exported
out of this Province to be applyed to the Use of free Schools
to be Erected in the Severall Counties within this Province
in the same manner as the twenty shillings Currant money
p poll on Negroes is applied, And have also resolved that the
sum of three half pence more be Raised for the use of his
Honour the Gov^r if he shall be pleased to Accept thereof to
Continue till the twenty Ninth day of September next.

With which if your house Coucurrs a Bill may be Prepared
Accordingly.

Signed p Order. M^l Jenifer Cl. Lo Ho.

Which is Sent to the Upper house by M^r Lee and three
Others.

Who return & Say they have Delivered it. The following
Message is Likewise prepared Viz:

By the Lower House of Assembly, October the 18th 1720

May it please yo^r Honours. We have Considered the Incon-
veniencies mentioned in your Message of the fifteenth Instant
That arise on the Act to Limit the Continuance of Actions

L. H. J. and have entered a Resolve on our Journal to bring in a Bill or a Supplementary Bill to that Act whereby further time shall be Given to the Several Courts of Law in that Act
 p. 23 menconed viz: to the End of the fourth Court after an Appearance enter'd. with w^{ch} if your House agree the Bill accordingly may be prepared.

Signed p Order. M^l Jenifer Cl. Lo Ho.

Which being Sent to the Upper House by Coll^o Mackall and three Others. They returne and Say they have Delivered it. Coll^o Ward and James Bowles Esq^r from the Upper House Deliver M^r Speaker the follo Message Viz:

By the Upper House of Assembly, October the 18th 1720.
 Gentlemen.

We Agree with your Message by M^r Lee and Three Others of your House as to the raising and applying the three pence p^r hh^d but propose it to you that the Bill to be brought in continue as usuall to other Governours

Signed p Order Joh Beale Cl Upp^r house.

The Petition of Mark Brown Complaining against the Land Commissioners of Prince Georges County Referred from the Last Sessions being read and all parties appearing at the Barr of this House with their Council the further Debate thereof is referr'd till to Morrow Morning. This Houses Answer to the Governours Speech is brought Downe from the Comittee of Laws. And Ordered to be Ent^{red} as follows.

May it please Your honour. The humble Address of the Lower House of Assembly sheweth their most hearty thanks for yo^r hono^{rs} most Affectionate Speech, in w^{ch} you are pleased to declare Your Actions shall be such During your Administration, as in all Probability may meet his Majesties Approbation his Lordships bounty as Well as the peoples thanks which we in the most Submissive Manner return to his Sacred Majesty and our good Proprietor for approving and placeing your honour Over us. The Zeale your Hon^r expresses in a Steady Adherence to the Succession as by Law Established as well as the resolution you have taken to Intrust none in
 p. 24 the Support of his Lordships Government and faithfull Tenants which good Resolution of your Honour will occasion us with the Greater Alacrity to set about the severall Matters your Honour shall think Meet from time to time to lay before

us. and wee shall likewise endeavour to Maintaine to the L. H. J. Utmost of our Power a good Correspondence between the Lord Proprietor Your Hon^r & our Selves, having no Room to doubt of the happyness of Your Hono^{rs} Administration which God of his Goodness long Continue to us. And we are Infinitely pleased to hear so Great a Character of our Proprietor from a Gentl so Particularly acquainted with his Lordship tho' we Oft times have been Assured thereof by his Lordsh^{pps} great Justice and Steady behaviour in the Several Series of his Administration. And wee hope we shall all Strive to out do Each other in our Affections for his Lordships Service Signified in a ready Willingness to Come into measures in Conjunction wth your Honour that may tend to give his Lordship Sufficient marks thereof

Signed p Order. M^l Jenifer Cl. Lo: ho:

The further Debate about Councillors Allowances is referred till the next Sessions. The House Adjourns till to morrow morning nine of the Clock.

Wednesday morning October the 8th [19th] 1720

The House meet According to Adjournment.

Present as Yesterday. Yesterdays proceedings are read. The motion being made & the Question being put whether this House shall insist upon passing the bill for repealing the Act for Prohibiting the Importacon of bread Beer &c. or not. Carried in the Negative by the Majority of Votes.

The Petition of Thomas Manning being read Leave is given to bring in a Bill as Prayed. The Petition of William & George Bozman being read Leave is given to bring in a Bill as Prayed. The Petition of Philemon Lloyd Esq^r being read is Rejected Nemine Contradicente. The Petition of Samuel Turbut Complaining against the Land Commissioners of Talbot County being read, The motion is made and the Question put whether the s^d Petition shall be referred (as other Petitions of the same nature) till the Land Law be further Debated or not. Carried in the Affirmative. The Petition of John Watkins praying to Confirme a Deed from Richard Snowden to his Grandfather being Read is referr'd till the next Sessions. And Ordered that the Parties then Come in and make good their Allegations. Two Several Petitions of John Kirk being read are Referr'd till the Land Law be further Debated. The Petition of Henry Hooper is likewise read and referr'd as above. A Bill for the Naturalization of John Peter Zinger being read the first and Second Times by

p. 25

L. H. J. Especial Order past, was so Endorst and sent to the Upper house by M^r Crabb and M^r Jones. who return and say they delivered it. M^r Thomas Bozman Sherriff of Talbott County appears in the House to Answer his Default in not returning the Writt of Election to him directed for the Election of M^r William Clayton and for that it appears to be only a mistake He is therefore discharged paying ten Shillings to the Clerke, Ten Shillings to the Serjeant and five shillings to the door Keeper. For which he returns thanks to the House. On hearing again the Petition of Marke Brown and further Debated thereon, The Question was put whether the Commissioners therein Mentioned ought to have their Allowances Assesst in the Bill of Costs in the petition Menconed or not. Carried in the Affirmative by the Majority of Votes. And that it appears to this house that the Comissioners aforesaid have but Done their Duty, The Petition aforesaid is Rejected. John Gresham's Petition Complaining of the Land Commissioners of Ann Arundel County is read and Referred till the Land Law be further Debated. Notly Rozer's Petitcon Complaining of
 p. 26 the Land Commissioners of Prince Georges County is likewise read and Referred as above. Coll^o Young and John Hall Esq^r from the Upper House deliver M^r Speaker the following Message. Viz.

By the Upper House of Assembly October the 19th 1720
 Gentlemen.

Wee Concurr with Yo^r Message by Coll^o Mackall with Three others of yo^r House in the Time you propose for the Continuance of Actions in the Courts of Law. but recomēd that regard [be had] as well to Actions already Comenced as those that may hereafter be commenced for that Several Actions now Depending will be discontinued or Judgments given therein (as the nature of the Case requires) by Virtue of the Act as it now Stands unless relief be provided by the bill now proposed to be brought in.

Signed p Ord^r Joh Beale Cl Up. ho.

With which this house Concurring ordered that the Committee of Laws prepare the Bill. The house Adjourns till to morrow Morning Nine of the Clock.

Thursday morning October the 20th 1720.

The House meet according to Adjournment Present as Yesterday. Yesterdays Proceedings are Read.

The Petition of Richard Thatcher Referr'd from the Last L. H. J. Sessions is Read and Referred to a Committee Viz: M^r Rousby M^r Lloyd M^r Tasker M^r Dare and M^r Codd to Examine into the Alegations of the Petition and to make report thereof to the House.

A Bill for the Reliefe of Marine Duvall was read the first & Second time by Especial Order Pass'd, and being so Endorst was sent to the Upper House by M^r Tyler and M^r Crabb. who returne and Say they Delivered it.

Thomas Bordley Esq^r from the Upper house Delivers M^r Speaker the Petition of Richard Bennett and Thomas Bordley Esq^r Attorneys in Fact to William Matthew Esq^r and of Josias Middlemore, Thus Endorst Viz:.

By the Upper house of Assembly October the 19th 1720. . p. 27

The Consideration of the within Petition is recommended to the Lower House.

Signed p Order. Joh Beale Cl: Up: ho:

Which being read and Considered Leave is given to bring in a Bill as prayed.

Coll^o Addison from the Upper House Delivers M^r Speaker the bill for Naturalization of John Peter Zinger thus Endorst Viz:

By the Upper house of Assembly, October the 20th 1720

Read the first Time and will pass. Provided the within John Peter Zinger qualifies himself by Taking the Severall Oaths required by Law.

Signed p Ord^r Joh Beale Cl: Up: Ho:

Which was read again and past for Engrossing. They likewise Deliver the Petition of Aaron Rawlins Complaining of a Survey of some Lands made against him. Thus endorst Viz:

By the Upper House of Assembly Oct^r the 19th 1720

The within Petition is Referr'd to the Consideracon of the Lower House.

Signed p Order. Joh Beale Cl. Up. Ho.

Which Petition is Read & referr'd till the Land Law be further Debated.

The Petition of the Vestry of S^t Anns Parish is read and referred till the next Sessions. The Petition of Edward

- L. H. J. Smith is Read and Leave Given to bring in a Bill to Confirm to him 120 feet of the Lot within Mentioned but to Leave 20 foot for a Landing Place between the part of the Lot whereon Robert Johnson has built a Ship Yard on Condition that he build a good Saw House to go with two Saws & to Saw 5000 foot of Plank or Scantling and to pay the Corporation five Shillings p Annum & on Failure the Corporacon to Re Enter.
Signed p Order. M^l Jenifer Cl: Lo: Ho:

The Petition of Thomas Hynson Wright Referr'd from the Last Sessions was read and referr'd to the same Committee with the petition of Richard Thatcher.

The Petition of John Macclester is Read and referred till next Sessions A Bill for the Reliefe of Thomas Plummer is read & will pass with the Amendments

- p. 28 Which being so Endorst is sent to the Upper House by Mess^{rs} Tyler & Crabb

Who return & say they have Delivered it.

The Petition of Tho^s Bordley Esq^r and Tho^s Larkin is referr'd till the next Sessions. The Petition of James Gladstone and Mehitable Pierpoint Referr'd from the last Sessions for Confirming Robert Andersons Will being read, Leave is given to bring in a Bill as pray'd. John Rousby Esq^r from the Committee especially Appointed returns the Report following Viz. The Report of the Committee Especially appointed by the Lower house of Assembly to Examine into the Allegations of the Petition of Richard Thatcher of Kent County Planter and to make their Report thereon. Of the Gentlemen Appointed for the Same are The Hon^{ble} John Rousby Esq^r M^r James Lloyd M^r Benj^a Tasker M^r William Dare and Cap^t St. Leidger Codd. Who make Choice of John Rousby Esq^r to be Chairman & John Talbott to be Clerk.

Who having Considered the Allegations of all Parties that Appeared before them, as well as the Will of Daniel Toas Sen^r Deced, are humbly of Opinion that his Lands in Maryland ought not to be Sould for the paym^{ts} of his Debts, for that his Lands in Pensilvania are will'd for the Payment of the Same which remains Yet unsold. And are likewise of Opinion, That fifteen hundred Acres, part of four thousand five hundred Acres (for w^{ch} Robert Roberts Obtained an Act of Assembly) does of Right belong to Sarah Toas, Daughter of Daniel Toas, by the Will of her Father Decēd. And that it further Appears to them, by the Oath of W^m Comegys that

- p. 29 John Toas Satisfied Robert Roberts for the Debt for which he became bound for the said John Toas, and that he had no

Just right to Apply to the House for such an Act. Which L. H. J. Proceedings are humbly Submitted to the House for their further Consideration.

Signed p Order. Joh Talbot, Cl. Comittee.

And the s^d Committee having likewise Inspected into the Petition of Thomas Hynson Wright Guardian of John and Thomas Elizabeth and Mary Coursey the heirs and Children of M^r John Coursey Late of Queen Anns County Decēd. Are of Opinion, That the heirs of John Coursey at most have but an Equal right with the Other Brothers Children, if any at all.

Signed p Order John Talbott Clk. Committee.

On Reading the first part whereof as to Richard Thatcher Leave is given to bring in a Bill as pray'd. And as to the other part relating to Thomas Hynson Wright's Petition The Petition of the s^d Thomas Hynson Wright is Rejected. John Hall Esq^r with two others from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper house of Assembly Oct^r 20th 1720
Gentlemen.

We have Considered your Resolucons for the Amendment of the Land Law and find by your first and Second Proposals, you Give the appointment and nomination of the Judges in Land Affairs Intirely to the Voice of the people rendring the Prerogative in that only useful so far as tis ruled and Directed by their Election which seems to be Treating the prerogative in so Servile a Manner as We Cannot Consent to.

This we Conceive woud Extend previledge beyond its proper Limits which must necessarily be Attended with many Inconveniences, Amongst which may be Considered.

The Continual Interests that would be Annually made by Designing Persons to have their ffavorites Elected and the Partiality that might be Occasioned by the Controversies Animositys and Factious Parties, that such Election would be but to apt to Propagate the Inconveniency of having frequently new Judges in Land Affaires whereas the Long Continuance of the Same Judges and the Experience they Gaine thereby may be of great Use to the Right Determination of such suits also the Charge of Annual Commissions and annual Elections, with others to numerous to particularize, but yet too Obvious p. 30 to Escape Your Notice. Wee therefore rather chuse to recommend to your Consideracon the preparing a Supplementary Bill to the Act now in Force, wherein Provision may be made

L. H. J. to oblige the Commissioners that Qualifie themselves to Attend their duty. To Relieve all those that now apply for Reliefe by allowing Appeales to a proper Court to be Erected on Each Shoar, as well as to all others, from any Judgments that shall hereafter be given. And to Explain all doubtfull Expressions in the Law now in fforce, And Add all other Amendm^{ts} of such obvious Defects as have appeared on putting the same Law in Practice.

Signed p Order. Joh. Beale Cl. Up^r Ho.

Col^o Young from the Upper House delivers M^r Speaker the bill for the relief of Tho^s Plummer thus Endorst Viz:

By the Upper House of Assembly, October the 20th 1720.

This Bill being read with the Amendments will pass.

Signed p Order Joh Beale Cl Up. ho.

Whereupon the same is read again and Passed for Engrossing which was so Endorst. The motion being made & the question being put whether a Repealing Bill shall be brought in to Repeale the Land Law. Carried in the Negative. Whereupon the Question being put whether three persons shall be appointed in Each County to Act as Commissioners on Appeales or not. Carried in the Affirmative. And resolved that they be Appointed by the Governour for the Time being and that the Commissioners appointed on appeales be Judges of all such Petitions as lye now before this House And Ordered the following Message be prepared Viz:

By the Lower House of Assembly October the 20th 1720

May it please your Honours

Wee have Considered your Message of this Day by John Hall Esq^r and two others of your honourable Members, and have altered our former resolucons on the Act for ascertaining the bounds of Land, And Agree That a Supplementary Bill be brought into that Act wherein Provision may be made to Oblige the Commissioners that Qualifye themselves to Attend their Duty. That three persons in each County be Appointed by the Governour who are to hear and Determine Appeals from the Commissioners on the first view and to Determine all such petitions as now lye before this House Complaining of any the Decrees of the Land Commissioners. With which if your House Agrees the Bill may be Prepared accordingly.

Signed p Order M^l Jenifer Cl. Lo. Ho:

Which being sent to the upper House by M^r Benson and L. H. J. five others, They return and Say they have Delivered it.

A Bill for Confirming William Bozman's Will was Read and Pass'd Nemine Contradicente, which being so Endorst, Tis Sent to the Upper house by M^r Dashiell and Mr. Caldwell. who return and say they have Delivered it. The House adjourns till to morrow morning nine of the Clock.

Friday October the 21st 1720.

The House meets According to Adjournment present as Yesterday. Yesterdays proceedings are Read. A Bill to Confirm a Sale of Lands in Baltemore County to William Mathew Esq^r is read the first and Second Times by Special Order and will pass. Which being so Endorst, Tis sent to the Upper house by M^r Lee and M^r Dashiell.

Who return and say they have Delivered it. Coll^o Addison from the Upper house Delivers M^r Speaker the Petition of Thomas Bordley and Thomas Larkin Concerning the Towne Pasture in Annapolis thus Endorst. Viz:

By the Upper House of Assembly October the 21st 1720.

This Petition being preferr'd the Last Sessions to this House was read but by the Intervening of other business was Omitted to be proceeded on them. And is therefore now Recommended to your Consideration.

Signed p Order Joh Beale Cl. Up. Ho.

Which was read and Referr'd till the next Sessions. Coll^o Tilghman & Coll^o Ward from the Upper house Delivers M^r Speaker the Message following Viz:

By the Upper House of Assembly, October the 21st 1720
Gentl.

We Concurr with Your Message by M^r Benson and five Others of your House in Answer to Ours relateing to a Supplementary Bill to be prepared to the Land Law And do farther think it necessary That a Clause be incerted in that bill Providing that in Case any one of the Commissioners made Choice of to Determine any Controversey about the bounds of Land should dye before the same is Determined the parties may then have Liberty to make another Choice to Supply that Defect. Tis likewise necessary to provide that in Case of the Commissioners to be Appointed in the Several Counties for hearing Appeals should happen to be Interested in the Lands or any ways related to the parties who are Interested therein

L. H. J. upon any Appeale made to them how that defect shall be supplied; which we think may be referred to the Choice of such Commissioner or Commissioners that are not related.

Signed p Order. Joh Beale Cl. Up. Ho.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the foll^o Message Viz.

By the Upper House of Assembly October the 21st 1720.
Gentl.

This Session as we hope Drawing near a Conclusion we desire to know Yo^r resolucōns on the Revenue Bill & the other matters proposed to you by his Lordship's Second Instruction.

Signed p Order. Joh. Beale. Cl. Up^r Ho.

John Hall Esq^r from the Upper house delivers M^r Speaker the Bill for Confirmation of Certain Deeds of Sale to William Mathew Esq^r of Lands in Baltemore County thus Endorst. Viz.

By the Upper House of Assembly, October the 21st 1720.

Read and will pass.

Signed p Order. Joh Beale Cl Up^r Ho:

Which was Read againe and pass'd for Engrossing And was sent to the Committee of Laws to be Engrost, Coll^o Young from the Upper House delivers M^r Speaker the Bill for Confirming Will^m Bozman's Will Endorst thus Viz.

By the Upper House of Assembly Octo^r the 21st 1720.

This Bill being read it is Observed by this House, that a Bill to the same purpose was Dissented to Last Sessions by the Gov^r after the Passing both Houses and this being a new Bill, Are therefore of Opinion That it ought not to be now past without Due Notice given to the Heire at Law but be referr'd to the next Sessions, that Notice may be given accordingly.

Signed p Order. Joh Beale Cl. Up^r Ho:

A Bill for the reliefe of Richard Thatcher and Peter Massey by special Order was read the first and Second Times and Will pass which being so Endorst was sent to the Upper House by Coll^o Harman and M^r Dare. Who returne and say they have delivered it.

A Bill for raising a Duty of three pence p hh^d on all Tobacco Exported out of this Province for the Uses therein mentioned

being (by Special Order) read the first & Second Times. Will L. H. J. pass. which being so Endorst And sent to the Upper house by M^r Rousby and Three Others. p. 33

They returne and say they have Delivered it. A Bill for Supplying The Defects in the Last Will and Testament of James Walker &c. by Special Order being read the first and second times Will pass, which being so Endorst, It is Sent to the Upper House by Cap^t Fendall and M^r Dent. who return and say They have Delivered it. The Petition of Richard Bennet Esq^r is Referred till to morrow morning. The Sher- rif of Cecill County Appears and being Demanded whether he returned the Writ of Election to him Directed with the Indentures whereon M^r Stephen Knight was Elected Answers he returned them Inclosed to his Excellency the Late Govern^r and Sent them to the Sherriff of Kent County but what be- came of them afterwards knows not. But for that it appears to this House that he has not Done his Duty The Question was put

Whether he shall be fined five pounds or Ten pounds Carried by the Majority of Votes that his fine be but five pounds And Ordered, That he pay to the Clerk Twenty shil- lings to the Serjeant twenty shillings besides all his Charges thereon Expended and to the Door Keeper ten shillings And That he be kept in the Custody of the Serjeant till he pay the same of w^{ch} being Informed he returns Thanks to this House and upon Payment of the same he is ordered to be Discharged Coll^o Addison from the Upper House Delivers M^r Speaker the Bill for Raising a Duty of Three pence p^{hhd} on all Tobacco Exported out of this Province for the uses therein Menconed thus Endorst. Viz.

By the Upper House of Assembly October the 21st 1720

Since you have not Thought fit to take notice of our Mes- sage of the 18th Instant by Coll^o Ward and Esq^r Bowles pro- posing the Continuance of this Bill as usuall Wee are Content that the same do pass with the following Amendment Viz.

Instead of the words in the Parenthesis (over and above the one Shilling p^{hhd} heretofore granted for Support of Government here) These following Viz.—Over & Above the duties Imposed already on the Export of Tobacco

Signed p^r Order. Joh. Beale Cl: Up: ho:

Whereupon the Bill aforesaid was Accordingly Amended and read with the Amendments. And pass'd for Engrossing. p. 34

L. H. J. which being so Endorst was Sent to the Committee of Laws to be Engrost.

Ordered that a Message be prepared as follo Viz.

By the Lower House of Assembly Octob^r the 21st 1720

May it please Your Honours. Forasmuch as the Revenue Bill as well as Sundry other matters is Continued till the 29th Day of September next by the Acts Already passd before which Time we Conceive an Assembly of Necessity must be Called and for that we have laid downe some reasons to be given his Lordship for the Assenting to the Act for Limitation of Officers ffees as it now Stands. We are Desirous they should be Referred till the next Sessions of Assembly and that Your House would Agree thereto.

[Signed p Order M^l Jenifer Cl: Lo: Ho:]

Which being Sent to the Upper House by Coll^o Hynson and Three more They returne and say they have Delivered it. M^r Tyler from the Committee of Grievances Returns the following Report, viz:

By the Committee of Agrievances Octo^r the 21st 1720.

It is Humbly Offered to this Committee as an Aggrievance that Several of the Honourable Council sit as Judges in the Provincial Court, which seems to be very discouraging to such Person as may have just cause to Appeale before Governour and Council knowing that the same Judges sit in the Court of Appeals.

It is further Offered to this Committee as an agrievance That Severall Clerks of Indictments Charge a ffee for drawing an Indictment when no Bill is found by the Grand Jury. which the Committee Conceives to be a Great Aggrievance

Signed p Order Nin: Mariarte Cl Com.

With which this House Concurrs and Orders the following Message to be prepared Viz:

By the Lower House of Assembly Octo^r the 21st 1720

May it please Your Honours

Whereas the Comittee of Aggrievances have reported Sundry Aggrievances to this House which we Conceive are Absolutely necessary to be Redress'd We humbly Offer their Report to your Consideration and request yo^r honours to Joine with us in Applying Remedies to so great Evils.

Signed p Order. M^l Jenifer Cl: Lo: ho:

Which being sent to the Upper House by M^r Rousby and L. H. J. nine Others with the Report. They returne and Say they have Delivered their Message.

Coll^o Tilghman from the Upper House Delivers M^r Speaker the Bill for relief of Richard Thatcher and Peter Massey thus Endorst Viz:

By the Upper House of Assembly October the 21st 1720.

Upon Reading the within Bill and the humble Petition and Representation of Daniel Dullany on the behalf of the Inhabitants of New Munster in Cecill County against passing this Bill herewith Sent you and the Allegations on both sides seeming very Considerable and the Case seeming hard on both parties we propose that the Consideration thereof be referred till next Sessions and that notice be duly given the parties Concerned.

Signed p Order. Joh. Beale Cl. Up. Ho:

Which was Read and Ordered to be thus Endorst Viz:

By the Lower House of Assembly, Oct^r the 21st 1720.

May it please Your Honours. Wee agree tis a hard Case on both Sides but much harder on the Petitioner Thatcher, in whose favour this Bill is prepared who since Last Prov^l Court has been turned out of Possession his whole Crop Perishing and plantacon going to ruin, And the poor Petitioners Wife & Children in a Perishing Condition, unless relieved this Sessions. Wherefore for Charities sake we begg Yo^r Honours will pass that Bill this Sessions being fully Satisfied with the Justice thereof.

Signed p Order M^l Jenifer. Cl. Lo^r Ho.

And was Sent to the Upper House by Coll^o Herman and M^r Dare. who returne and Say they have Delivered it.

A Bill for Supplying Defects in the Last will and Testam^t of Robert Anderson, being by Special order Read the first and Second times, will pass, And being so Endorst, It was sent to the Upper House by M^r Tyler and M^r Crabb. who returne and Say they Delivered it. A Bill for Granting to Edward Smith one hundred and twenty foot of Ground in the City of Annapolis &c^a

By the Lower house of Assembly October the 21st 1720.

Read the first and Second Times by Especial ord^r and Will pass which being so Endorst was sent to the Upper House by p. 36

L. H. J. M^r Hill and M^r Warfield who returne and say they have delivered itt.

The House Adjourns till to morrow morning Nine of the Clock.

Saturday October the 22^d 1720

The House meets According to Adjournm^t

Yesterdays Proceedings are Read. The petition of Richard Cole and Mary his Wife praying for a Supplementary Bill to be brought into the act past in favour of Renatus Smith was Read and Leave given to bring in a Bill as Prayed And that M^r W^m Clayton, M^r James Earle and M^r William Turbut be Commissioners to sell the Lands and receive the purchase money arising thereby to be applyed to the Payment of the Debts of Robert Smith Esq^r

A Supplementary Bill to the Act for Ascertaining the bounds of Land being by Especial Ord^r read the first and Second times will pass. And being so Endorst was Sent to the Upper house by M^r Tyler and five Others, who returne and Say They have Delivered it. The Petition of Richard Bennet Esq^r is Read and leave given to bring in a Bill as pray'd.

Coll^o Ward from the Upper House Delivers M^r Speaker the Message following Viz:

By the Upper House of Assembly, Octo^r the 22^d 1720.
Gentl.

As we have hitherto Acted in Concert with Your House for the Dispatch of Publick Affairs of the Greatest Importance so we think it would have Contributed to the Continuance of that good Understanding and Amicable Way of proceeding, That seems necessary to the Well fare of our Countrey had you thought fit to have Comunicated to us the Reasons you mencon in Your Message by Coll^o Hynson with
p. 37 Given his Lordship for Assenting to the Act for Officers fees which might also have been prevailing Reasons with us to Agree to the Reference Proposed,

However since you think fit to Conceale your reasons from us for your so doing, Wee shall for reasons that Occurr to our Selves wave any further Controversie with you at Present on That Occasion.

Signed p Order. Joh. Beale Cl: Up^r Ho:

A Bill for Confirming the Land therein Menconed to Richard Bennet Esq^r by Special Order being Read the first and Second Times, Will pass. w^{ch} being so Endorst, Was Sent to the Upper House by M^r Edmondson and M^r Clayton.

Who return and say they have Delivered it. A Supple- L. H. J.
mentary Bill to the Act to Limit the Continuance of Actions
being read the first and Second times by Especial Order past
and being so Endorst was Sent to the Upper house by Coll^o
Maxwell and M^r Caldwell. Who return and say they have
Delivered it.

James Bowles Esq^r from the Upper House Delivers M^r
Speaker the Bill to Confirm the Land therein Contained to
Richard Bennet Esq^r Thus Endorst Viz:

By the Upper House of Assembly, Oct^r the 22^d 1720.
Read the first Time and will pass.

Signed p Order. Joh. Beale, Cl. Up^r ho.

Which was read againe and past for Engrossing. M^r
Tyler Moving the House for Leave to go home, It is granted
unto him. An Engrost Bill for Naturalization of John Peter
Zenger of Kent County Printer and his Children. An En-
grost Bill for Confirmation of Certaine Deeds of Sale to Wil-
liam Mathew Esq^r of Lands in Baltemore County.

And an Engrost Bill for Raising a duty of three half pence
p hh^d on all Tobacco Exported out of this Province for the
Uses therein mentioned. Were severally read & Endorst thus
Viz:

October the 22^d 1720.

Read and Assented to by the Lower House of Assembly and
Signed p Ord^r M: Jenifer Cl: Lo: ho:

And was sent to the Upper House by M^r Caldwell and M^r
Wailles.

Who returne and Say they have Delivered them.

Thomas Bordley Esq^r from the Upper House Delivers M^r
Speaker the Supplementary Bill to the Act for Limitation of
Actions Endorst thus Viz:

By the Upper house of Assembly, Octo^r the 22^d 1720.

This Bill being read does not Answer its End for the first
Act being that they shall Continue no Longer than a Time p. 38
Exprest which is Shorter and this Bill being that they shall
Continue no Longer than a Time which is Longer can Only
Enlarge the Time by Implication, w^{ch} Can never operate
against the Express words of the former Law.

We have therefore proposed the Bill herewith sent you with
proviso Added which we think very necessary for the Right
Understanding of the former Law And Also an Enlargement

L. H. J. of five months Time to the Chancery Court where there is the same necessity or rather Greater than in the Courts of Law And where there are Suits Depending that lye under the same Case as in the Provincial Court.

Signed p Order. Joh Beale Cl: Up: ho:

Whereupon the Bill therewith Sent was Read and past for Engrossing. And Was sent to the Committee of Laws to be Engrost. A Supplementary Act for the Relief of Tho^s Manning read the first and Second Times by Especial Order. And will pass which being so Endorst, was sent to the Upper House by M^r Mackall and M^r Smith who Return and Say they have Delivered it. John Hall Esq^r & Coll^o Ward from the upper House Delivers M^r Speaker the Supplementary Bill to the Act for ascertaining the bounds of Land thus Endorst Viz.

By the Upper House of Assembly Octo^r the 22^d 1720.
Gentl.

Upon Reading the within Bill we find that there is not any Provision made to Supply the want of any Commissioners made Choice of upon the first View, who shall happen to dye before the bounds of the Land in Dispute are Determined nor to Supply the want of any Comm^{rs} of the Court of Review, who shall happen to be Interested in the Lands in Dispute or related to any that are Interested therein neither are the said Comm^{rs} Impowered to award Execution for the Costs & Damages by them Adjudged nor to Comand the Attendance of the Surveyour or other Officers as in the former Law nor to return
p. 39 Plats and Certificates of their Determination to be Entred upon the Records. Therefore We Recommend to you the Drawing of a new Bill which may Supply the Severall Defects before mentioned.

Signed p Order. Joh Beale Cl: Up^r ho:

The Representation of the Governour Rector and Visitors of the ffree school is read and referr'd till Monday next.

Thomas Bordeley Esq^r from the Upper House Delivers M^r Speaker the Bill for Vesting in Edward Smith part of a Lot of Ground lying in Annapolis thus Endorst Viz:

By the Upper House of Assembly Oct^r the 22^d 1720.

This Bill being read will pass with the following Ammendments Viz: that instead of the words markt in the Bill (to wit) (Granted by this House to) [these Words be (vested

by an Act of Assembly on)] and that the Proprietor's purchase be paid in Proportion. L. H. J.

Signed p Ord^r Joh Beale Cl: Up. ho.

Whereupon the same Bill with the Amendm^{ts} was read and Pass'd for Engrossing. The House Adjourns till Monday morning Nine of the Clock.

Monday morning October the 24th 1720

The House meets according to Adjournment Saturdays Proceedings are Read. On motion of James Lloyd, he has Leave to go home and so has Tho^s Edmondson on the like motion Ordered that Thomas Bordley and Amos Garrett Esq^r agree with workmen and find Materials necessary for finishing the room over the new back building and to make it fit for Receiveing the Publick Library, And, Ordered that the Committee of Accounts allow to the Rector Governor and Visitors of the ffree school the sume of Eighty Six pounds thirteen Shillings and four Pence Current money for the Rent of the School House upon their Representation afores^d to this House. An Engrost Supplementary Bill to the Act for Limitting the Continuance of Actions is Read and Ordered to be thus Endorst Viz.

October the 24th 1720.

Read and assented to by the Lower House of Assembly and p. 40

Signed p Order M: Jenifer Cl: lo: Ho:

And was Sent to the Upper House by M^r Mackall and M^r Dent. who Returne and Say, they have Delivered it.

Upon motion of Coll^o James Maxwell for Leave to goe Home by reason of News brought him of his Wife's Dangerous Illness, It is granted unto him &c.

A Bill for reliefe of Richard Cole and Mary his Wife being Read the first & Second Times by Especial Order will Pass. And being so Endorst, Is sent to the Upper house by M^r Turbutt and M^r Earle. They returne and Say they have Delivered it.

Ordered that the Comittee of Laws prepare a Supplimentary Bill to the Act laying an Imposition on Negroes &c:

An Engrost Bill for the Confirmation of the Land therein menconed to Richard Bennet Esq^r was read and Ordered to be Endorst thus viz:

October the 24th 1720

Read and Assented to by the Lower House of Assembly and

Signed p Order M Jenifer Cl. Lo. Ho:

L. H. J. And was Sent to the Upper House by M^r Turbutt and M^r Fisher, who return and Say they have Delivered it.

A Supplementary Bill to the Act for Ascertaining the bounds of Land was Read with the Amendments and past and being so Endorst was sent to the Upper House by M^r Lee and the rest of the Committee of Law.

Who return and Say They have Delivered it. A Bill against Buying and Selling of Offices, and to prevent Corruption in Officers being read the first and Second Times by Especial Order. Will pass which was Endorst and Sent to the Upper House by M^r Crabb and M^r Earle.

Who return and Say they have Delivered it.

The House Adjourns till to morrow morning nine of the Clock.

P. 41

Tuesday Morning October the 25th 1720.

The House meets According to Adjournment.

Yesterdays Proceedings are Read. A Supplementary Bill to the Act Laying an Imposition on negroes &c. was read the first and second Times by Especial Order and Will pass. which being so Endorst was Sent to the Upper House by M^r Lee and three Others.

Who return and say they have Delivered it. Coll^o Addison from the Upper House Delivers M^r Speaker the Bill agst Buying and Selling of Offices, and to Prevent Corrupcon in Officers. Thus Endorst Viz.

By the Upper House of Assembly Octo^r the 25th 1720.

Read and Will Pass:

Signed p Order. Joh. Beale Cl: Up: ho:

Which being read again Past for Engrossing and was sent to the Comittee of Laws to Be Engrost.

An Engrost Bill against Buying and Selling of Offices and to prevent Corruption in Officers is Read and Ordered to be thus Endorst viz:

October the 25th 1720.

Read and Assented to by the Lower house of Assembly and

Signed p Order M^l Jenifer Cl: Lo: Ho:

And was Sent to the Upper House by Cap^t Codd and M^r Hanson They return and say they have Delivered it.

Coll^o Young from the Upper House Delivers M^r Speaker L. H. J. the Supplementary Bill to the Act Laying an Imposition on Negroes thus Endorst viz.

By the Upper House of Assembly October the 25th 1720.

This Bill being read will pass with the following Amendments to be Incerted instead of the Several Words markt therein viz: first (Suggesting) instead of Importing 2^{dly} These words (Defrauding of the publick) instead of those next markt 3^{dly} Instead of the words the like (which) 4^{thly} where the Law proposes the Oath to be Taken these words (such Owner or Owners are Obliged to take the following Oath You A. B. C. Do Swear that you are the true and only Owners of the Ship E, and have Continued so ever Since the time of the purchasing the Register by you now Produced and that you have not Purchased the said Vessells nor Obtained p. 42 the Register aforesaid to the use of or in Trust for any other Person or Persons whatsoever, nor for the Sake of Evading the payment of any Duties in favour of any Person or Persons whatsoever that are not Actual Residents within this Province) 5^{thly} Instead of the words Immediately following the said Oath within these two marks [] These following viz. (Provided that in Case any Inhabitants of this Province Owners as afores^d shall Depart this pvince and go beyond the seas about his Occasionable Affairs, and shall not be absent there from for above the Space of Twelve months In Case any Vessell should happen in his absence to require his Oath as afores^d, such absent person's Oath in such Case may be Dispensed with all the Owners Residents (if any there be) Taking the same Oath, and the Benifit intended by the s^d before menconed Act shall be Allowed to the Owners of such Vessell.)

Signed p Ord^r Joh. Beale Cl: Up^r Ho.

Which being read was Sent to the Committee of Laws to be Amended. The Journal of the Committee of Accounts was read and Order'd to be thus Endorst viz:

October the 25th 1720

Read and Assented to by the Lower House of Assembly and

Signed p Order M^r Jenifer Cl: Lo: ho:

And was Sent to the Upper House by the Gentlemen of that Committee. They return and Say they have Delivered it.

A Supplementary Bill to an Act Laying an Imposition on Negroes &c. brought Down from the Committee of Laws was

L. H. J. Read with the Amendments proposed and past for Engrossing
And was sent to the Committee of Laws to be Engrost.

Coll^o Ward & Thomas Bordley Esq^r from the Upper House
Deliver M^r Speaker the Supplementary Bill to the Act Ascer-
p. 43 taining the bounds of Land with the following Message Viz:

By the Upper House of Assembly October the 25th 1720

Gentlemen Upon Reading & Considering the Supple-
mentary Act to the Act for Ascertaining the bounds of Land
in this Province prepared by your House and sent us by M^r
Lee and Six Others of Your House, we are of opinion that
there are Several Omissions and Imperfections in that Bill
which ought to be Supply'd which are as followeth.

In the first Sheet We observe you have Invested the Comis-
sioners of Review with a power of hearing and Determining
all Appeals to them made, upon any Judgement hereafter to
be given by the Comissioners of the first View and Likewise
to review and reverse or Affirm any Judgment heretofore
Given by the Comm^{rs} of the first View against w^{ch} Petitions
have been preferred to this Assembly but have Excluded all
others from the previledge of a review Altho' phaps They
may be as much Injured by Judgments formerly given as those
who have Already Petitioned whose Submissiveness to the
Law ought not to Turn to their Prejudice.

And that the Clause in the same Sheet w^{ch} Assignes to Com-
missioners & other Officers their ffees is Ambiguously Exprest
w^{ch} ought to be Explained by these words or such like (to the
Comm^{rs} and other Officers upon the first View) In the same
Sheet the Land Commissioners are made Liable to a Fine of
Five hundred pounds of Tobacco for w^{ch} they may be prose-
cuted in the Provincial Court. This we think unreasonable
that they should be Exposed to so great Trouble and Charge
for so small a fine and propose, that it may be made Cognizable
in the County Courts only.

In the Second Sheet, where Provision is made to Supply
the want of any Comm^{rs} of the first View or the Review, who
are not Qualified to Act in particular Cases by the Choice of
new ones, the Decision of such Comissioners of the first View
as well as of the Review is made ffinal which we take to be
Contrary to the Intention of the Law. And we further think
it necessary that Provision should be made, that in Case of
Sickness Difference of Opinions, or any other Accident any
two of the Three Com^{rs} of Review may have power to receive
Appeales and Give Judgment thereon &c. And Likewise that
p. 44 provision be made how the Disputable Bounds of Lands which
Lye partly in two Counties shal be Determined.

And that for the further Compliance with his L^ds In- L. H. J.
structions Appeals be Allowed from the Judgment of the
Com^{rs} of Review to England in such Cases & in Such Manner
as the Laws of Great Britaine and this Province Admit of.

Wee Likewise Observe that Greater Inconveniencies May
arise from that Paragraph in this Bill which provides for the
release of those Persons under Execution, for Costs awarded
by the Comm^{rs} of the first View, who upon their having a
Right to Appeal are to be Discharged from the Sherrifs Cus-
tody, and Cannot be taken again untill such Time as that Ap-
peal is Determined so that they may forever avoid paying
such Costs for tho' they have a right to appeale They are not
Obliged to do it And besides we think it reasonable, that
before they are discharged they shall give Security for the
payment of such Cost and the Damages Occasioned by the
Delay if the first Judgment should be Affirm'd otherwise they
becoming Insolvent or Absenting themselves the party in
whose favour the Judgment was Given may loose this Cost
but we are of opinion that this paragraph might be wholly
omitted Provision being made to Impower Com^{rs} of Appeale
to Adjudge all former Costs and Damages upon reversing
Such Judgment. For the reasons aforesaid and for the Dis-
patch of the Publick business we have together with the Bill
sent from yo^r House sent another Bill w^{ch} we have prepared
w^{ch} we are of opinion sufficiently Provides in all the Cases
before recited. And propose to you either to Accept our Bill
or amend yo^r owne w^{ch} you shall think most Convenient.

Signed p Order. Joh Beale Cl: Up^r Ho:

Whereupon the Bill af^d being read was Ordrd a second
Reading To morrow

John Hall Esq^r from the Upper House Delivered M^r Speaker p. 45
the Supplementary Bill to the Act for the relief of Thomas
Manning Thus Indorst.

By the Upper house of Assembly, Oct the 25th 1720
Read the first Time and Will pass.

Signed p Order Joh Beale Cl. Up^r Ho:

Which was read again and past for Engrossing.

An Engrost Bill for Granting unto Edward Smith of the
City of Annapolis Sawyer one hundred and twenty foot of
Ground in the same City to keep a Sawyers Yard and for

L. H. J. Encouragement of his Trade was read and Ordered to be thus Endorst Viz:

Oct the 25th 1720.

Read & Assented to by the Lower House of Assembly
And

Signed p Order M^l Jenifer Cl. Lo. ho:

And was Sent to the Upp^r House by M^r Benson and M^r Warfield. They return and Say they have Delivered it. The House Adjourns till to Morrow morn nine a Clock.

Wednesday morning October the 26th 1720

The House meets According to Adjournment

Yesterdays Proceedings are Read. On Reading the Supplementary Bill to the Land Law, The Question was put whether the Clause in the Bill that Gives all person Libertie to Appeal to the Comm^{rs} of review shall stand as it is or not

Carried in the Affirmative by the Majority of votes.

The question was likewise put Whether that Paragraph that gives the Comm^r or Com^{miss}^{rs} the Choice of Election in Case of Inability of the other Com^{rs} shall stand as it is or not. Carried in the Affirmative by the majority of Votes.

The Question was Likewise put Whether the Comm^{rs} of Review shall be Appointed by the Govern^r only or by the Governour & Councill. Carried by the Majoritie of Votes That they be appointed by the Governour & Council.

And Ordered a Clause be Incerted According to yesterdays Message thereon to releive p^{rs}ons now under Execution and Ordered that the Committee of Laws Amend the Bill.

Coll^o Tilghman from the Upper House Delivered M^r Speaker the Bill for Supplying the Defects in Robert Anderson's Will thus Endorst Viz:

p. 46 By the Upper House of Assembly Oct^r the 26th 1720.

The Allegations in this Bill not being Sufficiently proved to Satisfie this House of the Justice thereof and the Allegacons of the Pet^{rs} Against the Bill seeming very Plausible, Therefore this Bill is referred to the next Sessions that this House may hear both parties thereto.

Signed p Order. Joh Beale Cl: Up^r Ho.

Whereupon the same is referred to the next Sessions.

An Engrost Supplementary Bill for relief of Thomas Manning of Calvert County and An Engrost Supplementary Bill to the Act Laying an Imposition on Negroes and Severall sort of Liquors Imported and also on Irish Servants to prevent the Importing too great a number of Irish Papists into this Province were severally read and Ordered to be thus Endorsed Viz:

Oct the 26th 1720.

Read and Assented to by the Lower House of Assembly and
Signed p^r Order. M Jenifer Cl: Lo: ho.

And were sent to the Upp^r House by M^r Crabb and M^r Turbutt. who return and say They have Delivered them.

Coll^o Tilghman from the Upper House Delivered M^r Speaker the Supplementary Bill for Relief of Richard Cole and Mary his Wife thus Endorst Viz.

By the Upper house of Assembly Oct the 26th 1720.

This Bill being read will pass with the following Amendments to Come in as markt X viz. Excepting such Lands that have been Already Sould by such Persons, who had right to sell the same since the Decease of the said Robert Smith.

Signed p^r Order. Joh Beale Cl: Up^r Ho:

Whereupon the same Bill Accordingly was Amended, Was read with the Amendments Past for Engrossing and was sent to the Committee of Laws to be Engrost. The Supplementary Bill to the Act for Assertaining the bounds of Land brought Downe from the Committee of Laws Amended was Read with the Amendments and will pass. W^{ch} being so Endorst was sent to the Upp^r House by M^r Lee and five Others. They returne & say they have Delivered it.

Coll^o Addison from the Upp^r House Deliver M^r Speaker the following Message (with the Bill therein mentioned) viz^t:

By the Upp^r House of Assembly Oct 26th 1720.

Gentl:

P. 47

We propose the Bill herewith sent as of Absolute Necessity to Deterr the Burners of Court Houses from such heinous Crimes for the future.

Signed p^r Order Joh Beale Cl: Upp^r house.

Whereupon the Bill Declaring the Punishment for Burning of Court Houses was Read the first and Second Times by Es-

L. H. J. pecial Order Passed, And was sent to the Upper House by M^r Benson and M^r Turbutt who return and Say they have Delivered it.

Philemon Lloyd Esq^r from the Upp^r House Delivered M^r Speaker the Bill therein Menconed with the following Mes-
sage Viz:

By the Upper House of Assembly, Oct the 26th 1720.

Gentl. Wee herewth send you the Draught of a bill w^{ch} we Think very necessary to prevent the Oppression therein Set forth, w^{ch} we look upon to be a burthen to the People.

Signed p Ord^r Joh. Beale Cl: Up^r Ho:

Whereupon the Bill to Restrain the Rigour of Prosecucons on Administracon or Testamentary Bonds was Read the first and Second Times by Especial Order and past, w^{ch} being so Endorst was sent to the Upper House by M^r Smith & M^r Wilmore,

Who Returne and Say they have Delivered it.

Coll^o Ward & M^r Bordley from the Upper House Delivered M^r Speaker the foll^o Message Viz.

By the Upp^r House of Assembly Oct the 26th 1720.

This Bill being Read will pass with the follo amendm^{ts} Viz: Instead of the words (of the Costs and Damages Decreed against them untill the Determinacon of the Comm^{rs} of review shall be had thereupon) These words be Incerted viz. (of all such Costs and Damages for which, They are or shall be in Execution in Case they do not Enter and Prosecute their Ap-
peale According to the Directions of this Act or that it shall not be Otherwise Decreed by the Comm^{rs} of Review)

Signed p Order Joh Beale Cl. Up^r Ho.

And therewith also Delivered the Supplementary Bill to the
p. 48 Act for ascertaining the Bounds of Land which Accordingly was Amended and Past for Ingrossing.

John Hall Esq^r from the Upper House Delivered M^r Speaker the following Message viz:

By the Upper House of Assembly Oct the 26th 1720.

Gentl.

. As to the agrievances Relating to the Clerks of Indictments, We are Informed by the Attorney Generall that there have been great Complaints to him from Several Counties, That

Malefactors frequently goe Unpunished in their Courts for L. H. J. Want of their being duly Prosecuted by the Clerks of Indictment, whose failure they Impute to their Incapacities and we are further Informed that Such practitioners, as are the most Capable to serve the Government in those Stations Absolutely Refuse to Accept of the Employ for want of a Reward suitable to their Services, That none but Young unexperienced Practitioners are willing to undertake that Office w^{ch} they Chiefly do as an Introduction to further Business.

So that if we Concurr with you in Reduceing or Restraining the fees you mention as an aggrievance, The Consequences must Inevitably be the Encouragement of Offenders who will yet the more Easily Escape Punishment for want of an Understanding prosecutor, which we Doubt will be found the much greater Aggreivance of the two.

Gent. We are Sorry if any Cause has been Given you to represent the members of this House that are Judges in the Prov^l Court as any Agrievance to the Publick by their Sitting their as Seems Suggested p your Message & Representacon relating thereto, but we rather believe You Take the Hardship to be in respect to those few suitors that may happen to Appeal to the High Court of Appeal in Case the same Judges should sitt to hear and give their Voices in such appeal, and Taking it to be so, we observe to You, that it has ever been p. 49 the Constant practice to the best of our Remembrances for such of the Court of Appeales as had Set on the Determinacon of any Point of Law in the Prov^l Court to forbear Giving any Voice in the Court of Appeals in such Case and We Cannot Advise his Hon^r the Governour (in whose Breast it Solely lyes) for the Sake of those few Appellants that happen (and as you may perceive we are unprejudiced by the present Constitution) to deprive the Publick of the Gentl Service in the Prov^l Court that belong to this House, Who we believe, as they are the Longest standing in that Court may be Allowd to be of the most Experience in the Law and Practice thereof, And tho' the members of this House that sit there seem very Desirous to be Excused from such a Tedious Attendance Yet we Cannot think it Consistent with the welfare of the Province, that they should be Indulged therein Especially since they seem fully Convinced of their Duty to Serve the Publick in whatsoever Station the Governour is Pleased to place them.

Signed p Order Joh Beale Cl: Up^r Ho:

Which being read, the fflurther Consideration thereof is Referred to the next Session.

Coll^o Tilghman from the Upper House Delivered

L. H. J. M^r Speaker the Bill for Declaring the Punishment for burning of Court Houses Endorst thus viz:

October the 26th 1720.

This Bill being read will Pass.

Signed p Ord^r Joh. Beale Cl Upp^r Ho.

W^{ch} Bill being read again was past for Engrossing and sent to the Com^{it}tee of Laws to be Engrost.

John Hall Esq^r from the Upper house Delivered M^r Speaker the Bill to restraine the Rigour of Prosecutions on Administracon and Testamentary Bonds thus Endorst viz:

By the Upper house of Assembly, Oct^r the 26th 1720.

This Bill being read. will pass.

Signed p Order. Joh Beale Cl. Up^r Ho:

W^{ch} Bill being read again was Past for Engrossing and was Sent to the Committee of Law to be Engrost.

An Engrosed Bill Declaring the Punishment for Burning of
p. 50 Court Houses was read and Ordered to be thus Endorst Viz:

Oct the 26th 1720.

Read and Assented to by the Lower house and

Signed p Order M^l Jenifer Cl: Lo: Ho.

And was Sent to the Upper House by M^r Smith and M^r Wilmore who returne & Say they have Delivered it. An Engrost Bill to restraine the Rigour of Prosecutions on Adm^{recon} and Testamentary bonds was read & Ordered to be thus Endorst, viz:

Octob^r 26th 1720.

Read and Assented to by the Low^r House of Assembly And being so Endorst was sent to the Upper House by M^r Smith and M^r Wilmer

Who returne and say they have Delivered it.

Coll^o Ward from the Upper House Delivered M^r Speaker the Bill for relief of Marine Duvall thus Endorst viz:

By the Upper house of Assembly, October the 26th 1720.

This Bill will pass with a Proviso in Favour of the Reverend M^r Jacob Henderson according to his Petition herewith Sent.

Signed p Order. Jon Beale Cl: Upp^r Ho:

Whereupon the Same Bill was Ordered Accordingly to be Amended.

Philemon Lloyd Esq^r from the Upper House Delivered L. H.
M^r Speaker the Petition of the said Philemon Lloyd Esq^r thus
Endorst viz :

By the Upper House of Assembly October the 26th 1720.
Gentl.

The Matter of the within Petition is of so Great Consequence in Relation To all the Landed Estates within this Province that We must press you to Enter into such Measures as may Prevent the further Mischiefs that must necessarily arise from the present Condition of the Land Office and all the Records therein and that you will inspect the Report of the Committee appointed Last Sessions of Assembly Concerning the said Land Records and Order them to be Bound and put in Good Repaire.

Signed p Order. J^{no} Beale Cl: Up^r Ho:

W^{ch} Petition and Endorsment being Read. The further Consideracon thereof is Referred to the next Sessions.

An Engrost Bill in Favour of Richard Cole and Mary his Wife was Read and Ordered to be thus Endorst viz :

p. 51

Oct the 26th 1720.

Read and Assented to by the Lower House of Assembly
and

Signed p Order M^l: Jenifer Cl: Lo: Ho:

And was Sent to the Upper House by M^r Turbutt and M^r Fisher. They return and Say they have Delivered it.

The House Adjourns till to Morrow Morn Nine of the Clock.

Thursday morning October the 27th 1720.

The House meets according to Adjournment Yesterdays Proceedings are Read. An Engrost Supplementary Bill to the Act for Ascertaining the bounds of Land being Read The Question was put whether the Same Bill shall be Assented to as it now is, or be Amended. Carried by the Majority of Votes, That it shall be Assented to as it now is.

And Ordered that it be thus Endorst viz :

Oct^r the 27th 1720.

Read and Assented to by the Lower House of Assembly and

Signed p Order M^l Jenifer Cl: Lo: ho:

L. H. J. And was sent to the Upper House of M^r Lee and the Rest of the Com^{it}tee of Laws. who return and Say They have Delivered it. Ordered that the following Message be prepared Viz.

October the 27th 1720.

May it please Your honors.

We have weighed the Remonstrance and Petition of Phillemon Lloyd Esq^r and in Regard the matters therein Set forth are not to be Discussed hastily and as (we have Reason to hope) The Sessions is near a Conclusion. We are of Opinion, it is most advisable To referr the further Consideration Thereof to the next Sessions of Assembly. And Desire Yo^r Hon^{rs} Concurrence therewith.

Signed p Order. M^l Jenifer Cl: Lo: Ho:

And sent to the Upper house by M^r Tyler and Coll^o Woolford. p. 52 Who return & say they have Delivered it. Coll^o Tilghman from the Upper house Delivers M^r Speaker the Bill for Supplying Defects in James Walker's Will thus Endorst. Viz.

By the Up^pr House of Assembly Octo^r the 27th 1720:

By what appears to this House It Seems the Land in Dispute is Escheat to his Lordship and that Robert Yates the Petitioner against this Bill has much more Equity on his side to Prefer^r him to his L^{dps} ffavour in the purchase thereof than the Petition^{rs} for the Bill And thereupon the Bill is rejected.

Signed p Order Joh Beale Cl: Up^r Ho:

Ordered that Samuel Young Esq^r Publick Treasurer of the Western Shore pay unto Joshua George, Clerk Assistant to the Upper House Seven pounds four Shillings Currant Money for Eight days Service this Sessions.

And to Thomas Bordley Esq^r One pound nine shillings and four pence Current Money. Coll^o Addison from the Upper House Delivers M^r Speaker the follo Message.

By the Upper house of Assembly October the 27th 1720
Gent.

Altho We agree with you that the Sessions is Drawing near a Conclusion yet the matter of the Remonstrance by Philemon Lloyd Esq^r sent down to you is of so Great Consequence that the Landed Estates of all the Province seems to Call upon Y^r Immediate Concurrence and Assistance for their Greater Security w^{ch} they stand in very great need of thro' the Ill

state of the Offices. It seems to us to be no great matter of L. H. J. Consideration to appoint Comm^{rs} to repair the s^d Offices and provide proper Boxes or Cases to Lodge the bookes in to Defend them from the weather and to Cause the Books that have been Transcribed as well as others to be bound.

Signed p Order. Joh. Beale Cl: Upper house.

The Address of the Lower House of Assembly being Signed by M^r Speaker by the Order of the House was read and ordered to be Entered as foll^o viz:

To the Right Hono^{ble} Charles Absolute Lord and Proprietor p. 53
of the Provinces of Maryland and Avalon Lord Baron of
Baltemore &c^a.

The Sincere and unfeign'd Address of yo^r Lordships Lower House of Assembly who in most humble manner take leave to Express the Satisfaccon that we have rece^d from your L^{dps} Acquainting us by your near Relacon our Governour of the Reasons induceing Your Lordship to Entrust the Government in his hands Viz:

His Loyalty and great Service to King George his Inclinations to make the Interest of you our Lord Proprietor and the People One,

Arguments in themselves so Strong nothing seems necessary to be added thereto and we are noways Doubtfull but that his honour will in all respects Answer Your Lordships Character.

And as we Cannot in Justice to the known Character of Esq^r Brooks be unconcerned on Account of the Dislike Yo^r L^{dp} has taken at his so hasty Proceedings as you are pleased to Stile them; so we take leave to Justifie his Conduct so far as to Say that had he not taken that Early Care to qualifie himself to take upon him the Government it would have been a good Plea for Gov^r Hart to have refused the Delivery at the Time prefixt by yo^r L^{dp}. And we Joyne with yo^r L^{dp} in a firm beliefe he had no private Views to the Disservices of Your L^{dp} or the Peoples Interest. And we are Equally Touched at the Malicious Reports Spread by the Enemies of Your L^{dps} Government Touching the Suggestion of a Private Commission intended as a Reflection on your L^{dps} Conduct in Order to Alienate the minds of his Majesties good Subjects and your faithfull people here who are well assured Yo^r L^{dps} known Wisdom Hon^r and Great Justice would not permit you to think of such Sinster Measures, as are Suggested on that Occasion. And seeing we are well Assured We should have been happy under the Administracon of yo^r first Councillour

L. H. J. notwithstanding the malicious reports of his Enemies on Account
 p. 54 of his Sincere Attachment to yo^r L^{dps} Interest, So we take Leave to Observe, that the Reasons Suggested to y^r L^{dps} would not have been of Equall Weight with us, as to Induce us to Desire a Change. Yet they are well Corroborated by the Especial Favour Your L^{dp} hath been pleased to Conferr on us Viz:

The Appointm^t of a Gentleman to Rule over us of Strict Adherence to the Protestant Interest known Loyally to the King and we verily believe a well wisher to yo^r L^{dps} Government & the happiness of your People here, and we are persuaded Conform to yo^r L^{dps} Desire & his own good Inclinacons he will Exert himself in his Endeavours of healing our Late Devisions by w^{ch} we shall (like good Christians) be United in Order to Consult yo^r L^{dps} Interest and the Common Good. And we are perswaded our dissenting Brethren of what Denomination soever will Injoy such Indulgence as Can Reasonably be Allowed them so we have Just reason to believe they will think themselves happy under the same and thereby be prevented from giving Disturbances to the Government or Uneasiness to themselves.

We are sensibly Touched on Account of the Seeming dissatisfaction your L^{dp} is pleased to Express on account of the Late Regulation of Officers fees being firmly Assured, were yo^r L^{dp} truly apprised of the Large sums the fees of the Severall Officers amount unto, Your L^{dp} would in all probability Incline to Assent to that Regulacon which we may Justly Affirm (by Reason of the Great Number of people in the Province) Amounts to much more now than they Did when the former Act was Made (w^{ch} in the Judgment of every Distinguishing pson here) are abundantly Sufficient for the hon^{ble} Support of yo^r L^{dps} Great Officers, a handsome Maintenance to the Lesser, and a Sufficient Encouragement to every of them to discharge the duties Incumbent on them, To w^{ch} reasons we humbly take leave to Subjoin the pressures of
 p. 55 the poorer Sort of yo^r L^{dps} People have Long Laboured under by Reason of those Extravagant Fees prefixt by the first Law, so that on due Consideracon of the whole, we have reason still to believe yo^r L^{dp} will not incline to Dissent to a Just Regulation.

It is also a great Satisfaction that Yo^r L^{dp} is pleased to Approve the Choice we have made of Coll^o Blackstone for our Agent A Person who hath long pleasingly Served us in the Recommendacon of our Affairs to yo^r L^{dp} as occasion did Offer.

Rob^t Ungle, Speaker

Coll^o Tilghman from the Upper house Delivers M^r Speaker L. H. J. the following Message viz.

By the Upper House of Assembly, October the 27th 1720.

On the Petition of Rich^d Thatcher against Mathew Wallace, and hearing the parties on both sides, 'tis Ordered that the said Richard Thatcher be restored to his full Quiet and peaceable possession of in and into the Lands whereof he was Lately dispossessed by the said Matthew Wallace or his Lessee by Virtue of a Writ of possession Issued from the last Prov^l Court and that the Sherr: of Cecil County do make Restitution accordingly And also Ordered That all psons Concerned in the Dispute of the s^d Lands prepare themselves for a more full and Ample hearing at the next Sessions and that the pties waite further the Determination thereof.

By the Upper House of Assembly, Octo the 27th 1720
Gentl.

Richard Thatcher's Bill is referred to the Consideracon of the next Sessions and Your Concurrence to this Parliamentary Order will (we believe) Suffice him at Present till we Can be further Informed of his Case A duplicate of which Order to be Signed by the Clerks of both houses We propose to be Sent to the Sherrif

Signed p Order. p^r J^{no} Beale Cl: Up^r Ho:

With which this House Concurrs.

Resolved that the Hon^{ble} Tho^s Bordley Esq^r and Amos Garrett Esq^r be appointed to Inspect the Land and Secretar^{ies} Offices and Agree with such Persons as they shall think fit for the Securing the Records from any bad weather which may happen this Winter, and to make their Report thereon p. 56 to the next Assembly and Ordered that the follo Message be prepared viz.

By the Low^r House of Assembly Oct the 27th 1720.
May it please Yo^r hon^{rs}

Wee agree with yo^r honours that the Records ought to be secured from the weather and therefore have Appointed Thomas Bordley Esq^r of yo^r House and Amos Garrett Esq^r of our House (if they think fit to undertake the same) to inspect the Land and Secretaries Offices and to Agree with workmen to make the necessary reparations in Order to Secure the Records from any Damage they may Sustaine by meanes

L. H. J. of the Weather. who are to make their Report thereon to the next Assembly.

But as to the repairing the Records we Desire the further Consideracon of them may be referred till next Sessions Unless the Gentl Appointed by the Law will proceed further therein According to the Directions of the Law

Signed p Order M^l Jenifer Cl: Lo: Ho:

And Sent to the Upper house by Coll^o Hynson and Cap^t Jones. who return and say they have Delivered it.

Phillemon Lloyd Esq^r for the Upper House Delivers M^r Speaker the Petition of Winfield Holland thus Endorst Viz: This Petition is Referr'd to the Consideracon of the Assembly the Petitioner Seeming to be a great Object of Charity.

Cha Calvert

October the 27th 1720.

By the Upper house of Assembly October the 27th 1720.

This Petition^r is Adjudged a proper Object of Charity and therefore we Desire you to Join with us to Recommend it to the Visitors of the ffree school that they may allow it her.

Signed p Order Joh Beale Cl: Upp^r Ho:

Which Petition & Endorsement being Read

It is Ordered to be thus Endorst. Viz:

By the Lower house of Assembly Oct 27th 1720.

p. 57 We are willing to Join in any Recommendation yo^r House shall make of the Petition^{rs} Case.

Signed p Order. M^l Jenifer Cl: Lo: Ho:

And Sent to the Upp^r House by M^r Earle and M^r Hanson. Who return and Say they have Delivered it.

The House Proceeds to Tax the following ffees on the Bills foll^o Viz

	£	s	d
On John Peter Zanger's Bill			
To M ^r Speaker	1..	10..	0
To the Clerk on D ^o	0..	15..	0
On Richard Bennet Esq ^r bill			
To M ^r Speaker	10..	0..	0
To the Clerk	5..	0..	0
On Josias Middlemores Bill			
To the Speaker	6..	0..	0
To the Clerk	3..	0..	0

On Edward Smith's Bill		L. H. J.
To M ^r Speaker	}	0..10..0
To the Clerk		0.. 5..0
On Richard Coles Bill		
To M ^r Speaker	}	1.. 0..0
To the Clerk		0..10..0
On Thomas Plumbers Bill		
To Mr. Speaker	}	1.. 0..0
To the Clerk		0..10..0

An Engrost Bill for the Relief of Marine Duvall a Languishing Prisoner in Prince George's County.

An Engrost Bill to Confirm a Deed of Bargain and Sale from Francis Swanson to Tho^s Plumber were Severally Read and Ordered to be Thus Endorst Viz

October the 27th 1720.

Read and Assented to by the Lower house of Assembly

And sent to the Upper House of Assembly by M^r Lee and M^r Crabb who return and say they have Delivered it. Resolved that the Printer be Allowed five hundred pounds of Tobacco for the Printing the Laws for the Counties &c^a as last Sessions, and that M^r Tasker make Coppys of all the Publick Laws and the heads of all the Private Laws for which he is to be allowed (by Agreement made with him) five pounds.

And the said Copys to be Delivered to the Printer the latter End of the next week. Ordered that M^r Lee & M^r Rousby go to the Upper House to acquaint them that nothing of Publick business remains before this House unfinished. They return and say they have delivered their Message. p. 58

Philemon Lloyd Esq^r from the Upp^r House Delivers M^r Speaker a Letter of Daniel Dulany Esq^r on behalf of Mathew Wallace and several Inhabitants of New Munster Thus Endorst. Viz.

May it please yo^r Honours

Being Concerned (as Councill) for Mathew Wallace and others in a Bill Lying before this Honourable House Concerning new Munster I think my Self in duty Obligated humbly to move yo^r Honour's for a Rule to have a Copy of such Evidences as have been or shalbe taken to Support the Alligations of Rich^d Thatchers Petition's being Willing to be under the Like rule on my Clyents Side Humbly Conceive this method will Save yo^r Honours much Time and that it is agreeable to a Parliamentary Proceeding I am with the Greatest Submission.

May it please Your Hon^{rs}

Yo^r most humble & Obedient Serv^t

D. Dulany

L. H. J. I begg leave to Instance this Proceeding In Parliament between the Duke and Dutches of Norfolk as a President in this Case.

By the Upper house of Assembly Octob^r 27th 1720.

This Board is of Opinion that the within Mocon is Just & reasonable and desire the Lower House would Direct their Clerk to Deliver Wallace or his Council (on application) Copy's of all the Evidences of any kind that Lye before their House and to name Commiss^{rs} to Examine such Witnesses as shall be menconed to them on Either Side that are or shall become unable to Travel, But that such as are to be Summoned Down to Attend next Sessions.

With which this House Concurrs & appoint Coll. Herman and Col. Hynson or any One to Examine such Evidences as are not able to Come Downe to Annapolis.

Col^o Young from the Upp^r House Acquaints M^r Speaker that his Hon^r the Gov^r Comānds him and the whole House to Attend him Immediately in the Council Chamber and with drew

p. 59 Thereupon M^r Speaker with the whole House got to the Council Chamber where his Hon^r the Governour was pleased to Enact the several Engrost Bills following into Laws (they being Assented to by the Upper House) by Sealing them with the Right Honourable the Lord Prop^{rs} Great Seale at Armes and Endorsing them thus

October the 27th 1720.

On the behalf of the Right Honoble the Lord Proprietary I will this be a Law.

Cha: Calvert

No 1. An Engrost Bill for the Naturalization of John Peter Zinger. of Kent County and his Children.

2 An Engrost Bill for Confirmacon of Certain Deeds of Sale to William Mathews Esq^r of Land in Baltemore County.

3 An Engrost Bill for Raising a Duty of Three pence p hh^d on all Tobacco's exported Out of this Province for the uses therein mencōned.

4 A Supplementary Engrost Bill to Limit the Continuacōn of Actions in Severall Courts within this Province and Asscertaining the Mann^r of takeing the Evidence of Seafareing men and for Granting Appeals from the Chancery Court to the Governour & Council

5 An Engrost Bill for the Confirmacon of the Land therein Mencōned unto Richard Bennet Esq^r.

6 An Engrost Bill for Granting unto Edward Smith of ^{L. H. J.} the City of Annapolis Sawyer 120 foot of Ground in the same City to keep a Sawyers Yard and for the Encouragement of his Trade.

7 A Supplementary Engrost Bill to the Act for Relief of Tho^s Manning of Calvert County

8 A Supplementary Engrost Bill to the Act Intituled An Act Laying an Imposition on Negroes and on Severall Sorts of Liquors Imported And alsoe on Irish Servants to prevent Importing too great a Number of Irish Papists into this province.

9 An Engrost Bill Declareing the Punishment for Burning of Court houses.

10 [An Engrost Bill to restrain the Rigour of Prosecutions on Admⁿcon & Testamentary bonds]

[11] An Engrost Bill Impowering Mess^{rs} William Clayton of Talbot County and James Earle and William Turbutt of Queen Ann's County to Sell the Lands of Robert Smith Esq^r ^{p. 60} Late of Talbot County af^d Decēd to pay to Rich^d Cole of Queen Ann's County and Mary his Wife the Daughter and heir of Renatus Smith decēd the Surviveing Ex^r of the s^d Robert Smith [dec^d what the Said Renatus Smith paid on account of the Said Robert Smith] more than Effects Came to his Hands and for the Payment of his other Debts.

12 A Supplementary Engrost Bill to the Act for Ascertaining the bounds of Land wthin this province

13 An Engrost Bill for the Relief of Marine Duvall a Languishing Prisoner in Prince Geo: County.

14 An Engrost Bill to the Act to Confirm a Deed of Bargaine and Sale from ffran: Swanson, to Tho^s Plummer

Afterwards his Hono^r the Gov^r was Pleased to Address himself in these foll: Words (viz)

Gentlemen of the Upp^r and Lower Houses of Assembly

I Cannot take my Leave of you without Expressing the Great Satisfaccon I have met with all Since my Arrivall in the Country and y^r ready Concurrence and Dispatch of the Several Matters w^{ch} I had the Hon^r to Lay before you by his L^{dps} Comands, I shall allways Carefully Endeavour to do all that may be in my Power to Deserve the Esteeme of the good People of this Province in Generall and Particularly of this Generall Assembly and do not Doubt but wth your assistance to Establish a Perfect good Understanding Among all his Majesties good Subjects of this Province.

L. H. J. Gentl.

Since you have so happily Concluded Everything that is Immediately Necessary for the Publick Wellfare it remains Only that I Prorogue you only to the second Tuesday in ffebruary next and so require you Take Notice that you are Accordingly So Prorogued

Cha Calvert

Afterwards M^r Speaker with the whole house return to their Own House where M^r Speaker resumes the Chair and Reports that his Honour the Governour with the Advice of
p. 61 the Right Honble the Lord Pröpry's Councill of State within this Province had thought fit to Prorogue this present Generall Assembly till the Second Tuesday in ffebruary next To which time this House prorogues it Self Accordingly.

Thus Endeth this Seventh Sessions of Assembly since his Majesty has been Graciously pleased to restore the right Honble the Lord Pröpry to the Governm^t of this Province the 27th Day of October in the Sixth year of the Dominion of the Right Honble Charles Lord Baron of Baltemore &c. Annoq Dom: 1720

M^l Jenifer Cl: Lo. Ho.

ACTS.¹

Bacon's
Laws

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann. Arundel, on the 11th, and endeth the 27th Day of October, in the Sixth Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1720, were Enacted the Laws following, viz.

Charles Calvert, Esq; Governor

An Act to restrain the Rigour of Prosecutions on Administration, or Testamentary Bonds Chap.
XXIV

Whereas it is represented by some of the Justices of the Provincial Court That a most oppressive and pernicious Practice is introduced of putting Testamentary and Administration Bonds in Suit in the Provincial Court, for the Non-Payment of small Debts, recovered in the County Courts, without ever suing out Writs of Fieri facias, or other Executions to effect the Estate of the Deceased, in the Executors or Administrators Hands, or without any Insufficiency of such Executors or Administrators, whereby the Act, entitled, An Act to restrain the ill Practices used by Sheriffs in taking Goods by Fieri facias, and selling them by Venditioni exponas, is entirely evaded, so far as it relates to Executors and Administrators, and the Person and Sureties of such Executors and Administrators are affected by such Suing the said Bonds, instead of the Effects of the Deceased: For Prevention whereof for the Future.

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That it shall not be Lawful for any Creditor or Creditors to prosecute any such Administration or Testamentary Bond for any Debt or Damages due from, or recovered against any Testator, or Intestate, or their Effects, before a Non est Inventus

¹ The text of the three Acts here given is taken from Bacon's *Laws of Maryland at Large* (1765). The remainder of the Acts at this session were either private or had expired or been repealed before the date of that compilation. The Acts are numbered consecutively with those of the session held in April of the same year.

Bacon on a Capias ad Respondendum be returned against the Executor or Administrator, or a Fieri facias returned nulla Bona by the Sheriff of the County where such Executor or Administrator live, or where the Effects of such Deceased lies, or such other apparent Insolvency or Insufficiency of the Person or Effects of such Executor or Administrator, as shall in the Judgment of the Provincial Court that hears the Cause, render such Creditors Remediless by any other reasonable Means, save that of suing such Bonds; on pain that such Person or Persons that shall cause such Bonds to be sued, contrary to the true Intent and Meaning of such Act, shall be condemned in full Costs of Suit to be adjudged by such Provincial Court, to the Defendant or Defendants that shall be so sued, against the Person or Persons that shall cause the same to be sued, and shall award Execution thereof as usual in other Cases.

III. And be it further Enacted, as aforesaid, That it shall and may be lawful for the Defendant or Defendants in such Suits to give this Act and the Special Matter in Evidence, without Specially Pleading the same; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Chap. XXV An Act declaring the Punishment for Burning of Court-houses.

Whereas it is represented to this present General Assembly, That there remained some Doubt in the Law, whether the Burners of Court-houses should have the same Judgment as against Clerks convicts, or to suffer Death; on which Doubt, the last Provincial Court, in Favour of Life, gave Judgment against the Person convict for Burning Kent County Court-house, only that he should be burnt in the Hand, &c. To clear up which Doubt for the future.

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person or Persons whatsoever, that shall hereafter be convict of wilfully Burning any Court-house within this Province, wherein any Records actually or usually are kept, although the same be not a Mansion-house, or such other House, for the Burning whereof the Offenders might heretofore have had the Benefit of Clergy, shall have Judgment to suffer Death, in the same Manner as if such Offender had been convict of maliciously and wilfully Burning a Mansion house; any Law, Statute or Usage to the contrary notwithstanding.

A Supplementary Act to the Act, entitled An Act for laying an Imposition on Negroes, and on several Sorts of Liquors imported, and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province.

Bacon
Chap.
XXVI

Whereas there is a certain Clause in the said recited Act, encouraging Residents of this Province to build and purchase Ships and Vessels, thereby acquitting them from the Payment of several Duties on Negroes, Rum, &c. and it being represented to this General Assembly, That sundry Abuses have been committed by several Persons, Residents of this Province, by purchasing Vessels, and obtaining Registers, suggesting themselves to be sole Owners, when perhaps they have suddenly disposed of a great Part of their Interest in the said Vessels to Persons not residing here, and have still had the Benefit of the said Clause, as if all the Owners had actually resided here, after such Sale, to the defrauding of the Public: For prevention of which Abuses for the future, it is prayed that it may be Enacted.

II. And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Owner or Owners of every Ship or Vessel residing in this Province, shall be obliged, either at the Time of Entry of such Ship or Vessel, or some Time before her Clearance, to apply him or themselves to the Naval Officer of the District where such Ship or Vessel shall load or unload, which Officer aforesaid is hereby impowered and obliged to tender to, and such Owner or Owners are hereby obliged to take, the following Oath, viz.

"You A. B. C. do swear that you are the true and only Owners of the Ship E. and have continued so, ever since the Time of the purchasing the Register by you now produced; and that you have not purchased the said Vessel, nor obtained the Register aforesaid, to the Use of, or in Trust for, any other Person or Persons whatsoever, nor for the Sake of evading the Payment of any Duties, in Favour of any Person or Persons whatsoever, that are not actually Residents within this Province.

III. Provided, That in case any Inhabitant of this Province, Owner as aforesaid, shall depart this Province, and go beyond the Seas about his reasonable Affairs, and Shall not be absent therefrom for above the Space of Twelve Months, in case any Vessel should happen in his Absence to require his Oath as aforesaid, such absent Person's Oath in such case may be dispensed withal, the other Owners Residents (if any there be) taking the same Oath, and the Benefit intended by the

Bacon said beforementioned Act shall be allowed to the Owners of such Vessels.

IV. Provided nevertheless, That in case any Owner or Owners, Residents of this Province, shall refuse to comply with the Directions laid down hereby, it shall in no wise be lawful for the Naval Officer aforesaid, to give any Benefit or Benefits to the said Owner or Owners, but they are hereby declared to stand on the same Foot with Persons Non-residents, trading into this Province; any Law, Usage or Custom to the contrary in any wise notwithstanding.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, July 18–August 5, 1721.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

Att a Sessions of Assembly begun & held at the City of Annapolis in the Province of Maryland on Wednesday the 19th day ¹ of July in the 7th Year of the Reigne of our Sovereign Lord King George &c. And in the 6th Year of his Lordships Domⁿ &c. Annoq Domini 1721.

U. H. J.
Original
p. 1

Present

His Hon^r Charles Calvert Esq^r Governour

The Honble	{	Col William Holland		Thomas Bordley Esq ^r
		Col Richard Tilghman		and
		Col. Matt. Tilghman		James Bowles Esq ^r
		Ward		

Members of the Upp^r House

James Stoddert Esq^r and M^r Robert Tyler from the Lower House Acquaint his Hon^r the Gov^r that their house is mett and waits his hon^{rs} Comands.

Thereupon Col Richard Tilghman is Sent down to the p. Low^r house to Acquaint M^r Speaker that his Hon^r the Gov^r requires him & the whole House to Attend him in the Councill Chamber Immediately.

Who returns and Says he Delivered his Message Thereupon M^r Speaker with the members of that house Attend his honour the Gov^r in the Councill Chamber Accordingly.

Whereupon his hon^r the Gov^r Delivers himselfe to them as follows viz.

Gentlemen. His Lordship the Lord Propr^y has Directed me to Communicate to you what follows, which you are to take as from his own Mouth

Gentlemen of the Upper and Lower Houses of Assembly

Baltimore: The due Regard you Promised by Your Joynt dutifull Address to pay to our Speech transmitted to you by our late Governour was most Welcome, As we thereby found p. 3 your Sentiments Greatly Agreeing with our own to Promote the Prosperity of Maryland, the true Reason that Induced us a Second time to Recommend the same things to your Consideracon by our Present Lieutenant.

¹ Prorogued from July 18th. See page 199.

U. H. J. In your said Address you Desired time till the next Sessions to Consider the proper Alteracons you Declare necessary to be made to the late Act for Ascertaining the bounds of Land then under our Consideration; and Which we had Signified to you Ought to be Consonant to the Laws of Great Britain, the Supplementary Act since made, and Intended for an Amendment thereof leaves the Properties of his Majestys Subjects in Maryland to be Determined in a Different Manner from Those of Great Brittain, whose Safety and Happyness it is to have Theirs try'd and Decided by their Equalls Twelve Good men of the Countrey on their Oaths; I have therefore thought fit to Dissent to the said Act intituled An Act Ascertaining the bounds of Land within this Province and Likewise to the Act intituled A Supplementary Act to the Act for Ascertaining the bounds of Land within this Province And do hereby
p. 4 by Declare the said Acts null, Void & of no Effect.

No doubt Gentlemen the Assistance of the Legislature may be very necessary in many Instances to the Courts in Maintaining or Correcting but not in Depriving them of their Judicature, & I shall be most ready to Confirm any such Law, in Order so to Settle the boundaries of our Lands, as Every man may in the best Manner possible enjoy his own

Gentlemen I have formerly made known to you, that the Legislature of Great Britain does not take upon them, among their Parliamentary Proceedings to Decide matters of Meum and Tuum; The Peoples Properties are rul'd by the known Laws of the Land, however Extraordinary their Cases may be, unless for the joynt Relief, And upon the united Application of all Parties Concerned; And I am Advised, And think it Absolutely necessary that yours should be Preserved to you Agreeable thereto, I have therefore Dissented to the Act
p. 5 Intituled An Act to invest an Estate in ffee to John Clements of Queen Ann's County in a Certain Lott in the Town of Cambridge in Dorchester County and to the Act intituled An Act for the Relief of Benjamin Howard in makeing Good the Survey of Howards Purchase, And also to the Act intituled an Act Empowering certain Commissioners to Dispose of the remaining part of the Personall Estates, which were of Tho^s Smithson late of Dorchester County Gent. and Thomas Smithson late of Talbott County Esq^r Deceased & to Settle and Assess the Losses, Damages, Costs by Thomas Hicks Gent. and John Davis Son and Heir at Law of Jeremiah Davis Sustained, as also to Value the Lands Whereof the said Thomas Smithson of Dorchester County and the said Thomas Smithson of Talbott County died Seized, And to Dispose of so much of the said Personall Estates and the Lands as will Satisfie the said Tho^s Hicks and the said John Davis for their Damages Losses and Costs Sustained by means of a Warrant of Lands from

the said Thomas Smithson of Dorchester County and the said U. H. J. Thomas Smithson of Talbott County to the said Thomas Hicks & Jeremiah Davis made, and likewise to the Act intituled an Act to Supply Certain Defects in the Conveying Lands from Henry Gibbs Son and Heir of Edward Gibbs some time of Somersett County In the Province of Maryland p. 6 dec^d to Benjamin Laurence John Belt & Lucy his Wife Heirs of Benjamin Lawrence Sometime of Calvert County in the Same Province Deceased And do hereby Declare the said Acts Null, Void & of no Effect, Trusting that under my Government the Province will Continue (as it has from its Infancy) to flourish by an unbiassed Administration of the Law in the Established Courts of Justice

It would have been much more Acceptable if the Reguard you Acknowledged Yo^rselves Willing to have to our Sentiments relating to the Act for Officers fees had Produced something more Adequate to our Judgments thereof Rather than a Desire in you Gentlemen of the Lower House that I would not Dissent to the said Act; And the most Distinguishing amongst you must necessarily know, that as People and Plenty increase in a Countrey, so ought the Rewards of Those, who for their Care Knowledge and Integrity are employed in the Severall Offices of Government, in a due Execution Whereof, so much the happyness of the People Depends And therefore that you your Selves may once more have an oppor- p. 7 tunity to make the Proper Addicons rather than Continue such Diminutions, at your Request I have not yet Dissented thereto.

Gentlemen of the Upper and Low^r Houses

The Satisfaction you Express with our Appointment of a Gentleman to be your Governour, who will I am Confident use his Utmost Endeavours, in Conjunction with me, to make you a Most happy People, My Self a happy Proprietarie and both Acceptable to his most Gracious Majestie (the Great Ends for which I sent him) Adds to the Esteem, I had before of him; having already learnt that all Government is Intended for the Publick Good, which I am Resolved to make the rule of mine.

After which his Honour the Gov^r is Pleased to bespeak the Gentlemen of the Upper and Lower houses of Assembly as follows viz.

Gentlemen of the Upper and Low^r Houses of Assembly

Having thus Delivered you, what his Lordship has Instructed I am now to Assure you that It is with the Greatest Satisfac-

U. H. J. tion, I meet this Generall Assembly, that last Sessions so Kindly gave me a Supply for the Support of Government, I
 p. 8 shall always have a due Regard for your favours, and think I can't better acknowledge them, than by Supporting those Who wish well to our most Gracious Sovereign King George the Protestant Religion, and the Prosperity of Maryland, in which I shall [not] only pursue my own Inclinations, but Obey the Positive Comānds of our Lord Proprietary whom I Expect very soon in Person among us.

What I have now to Recomend to you are the Several laws, that are near Expiring, Among which is that of the Revenue, the Generall Advantage by that Law is so obvious, that I need but barely mention it.

I have Severall Papers, from the Gov^{rs} of New York, and Virginia, and our Agent Coll Blakiston w^{ch} I shall ord^r to be layd before you

The Sinking Condition of the Tobacco trade, wherein you're so much Concerned requires your utmost Endeavours to Support it, And I cannot omit with Earnestness to recom-
 p. 9 mend to you on this Occasion, the great Example of the British Parliament Which Waving things of less moment, never fails to apply it Self with utmost Attention to the Relief of its most Pressing Exigencies

Gentlemen. I can't Conclude, without Observing to you with Great Pleasure, that those little heats w^{ch} lately disturb you are now happily at an End which gives me hopes, of your being United for the common Welfare and as I propose the Greatest Happyness to myself Dureing my administracon in the Generall Good of this Province, And shall always use my best Endeavours to Effect it, So I shall take those to be my Lord Proprietors' best friends, who will heartily Joyn their Endeavours with mine, to make us a United happy People

Cha^s Calvert

Thereupon M^r Speaker and the whole house with Draw

M^r Thomas Waughop and M^r William Turbutt acquaint his Honour the Gov^r that they Attend with M^r John Baker a Member Elected for S^t Maryes County and M^r James Earle a Member Elected for Queen Anns County to see them Qualified

Whereupon the said John Baker & James Earle Severally
 p. 10 take the Sev^l Oaths appointed to be taken by Act of Assembly and Alsoe Signed the Oath of Abjuration and Test according to the Directions of the s^d Act and thereupon they with Draw

Benjamin Tasker Esq^r & M^r James Smith from the Lower U. H. J.
House Deliver Coll Holland the following Message Viz.

By the Low^r house of Assembly

July the 19th 1721

May It please Your Honours

This House in Order to Dispatch Business as much as in
them lyes have Entred a Resolve to Sitt after this day from
Eight of the Clock till Eleven in the forenoon And from one
till five of the Clock in the Afternoon And Desire to know
whether the times proposed be Agreeable to your Honours

Signed p ord^r M. Jenifer Cl. Lo. Ho.

Whereupon It is Resolved by this house that the following
Message be prepared viz.

By the Upper House of Assembly

July the 19. 1721

We Approve of your Proposals as to your times of Sit-
ting

Signed p Ord^r Joh Beale Cl. Up^r Ho.

Sent down to the Lower house by Coll Ward Who Returns p. 11
and Says he Delivered the Same

The house Adjournes for two hours

Afternoon

The house meet According to Adjournment

Present

Col Holland	Thomas Bordley Esq ^r &
Col Tilghman	James Bowles Esq ^r
Col Ward	

His Honour the Gov^r Communicated to this board An Ad-
dress from the Burgesses to the Gov^r of Virginia which he
received from him Which Address is as follows Viz.

To the Hon^{ble} Alexander Spotswood His Majesty's Lie^{vt}
Gov^r and Comander in Chief of Virginia.

By the House of Burgesses

May It please Your Honour

We having Considered your Message and the petition
therewith Sent to this house, on the Twenty fourth of the
last Month relateing to the building a Light house on Cape
Henry, return your Honour our thanks for Comunicating to

U. H. J. us the Application that hath been Made, by Some Considerable persons in the Government of Maryland, to the End the
 p. 12 Assemblies, of both Colonies might be moved to Concurr in the like Design And as we believe the building Such Light house will be very beneficiall to the trade of both Colonys have resolved that a Light house be built and maintained at Cape Henry at the Charge of the Colony of Virginia. Provided the Province of Maryland will Contribute one hundred and fifty Pounds Sterling towards building and Eighty pounds Sterling p Annum, for maintaining the same for Ever: And Humbly Desire the favour of your Honour to Communicate our Resolutions on this head to the Governor of that Province, and hope such Measures may be taken as will Induce the Assembly of that Province, to Concurr in so Beneficiall a Work.

Whereupon the following Message is Prepared Viz.

By the Upper House of Assembly.

July the 19th 1721

Gentlemen. We are of Opinion that a Light house on Cape Henry would be of great Advantage to the Trade of this Bay and recommend to you the Consideration of so Usefull a project but we observe the Sumes Proposed by the Adresse herewith Sent you are what we cannot properly Judge
 p. 13 of for want of Knowing the particular Scheme of the Design.

We Desire you to Signify your Resolutions hereon that if We Agree in our Sentiments Concerning it we may Desire the favour of his Honour the Gov^r to Communicate the Same to Virginia that we may not Loose the benefit of so Usefull a Work for Want of a Right Understanding of it or of falling into proper Methods to Effect it

Gentlemen The mention that is made in the Adresse of an Application made by some considerable persons in Maryland, We understand to be no other than an accidentall Conversation by Some Gent of that Government with some of this some years since in Company with the late Governour where Such a Projection as this is was mentioned as a Conveniency and such we Esteem it would be, but we know of nothing that has been done by way of Application on that foot

Signed p order John Beale Cl. Up. ho.

Sent to the Lower House with the Aforesaid Adresse by Esq^r Bordley Who returns and Says he Delivered the Same

The House Adjourns untill To Morrow Morning Eight of the Clock. U. H. J.
p. 14

Thursday Morning July the 20th 1721

The House meet according to Adjournment

Present

His Honour Charles Calvert Esq ^r Gov ^r	
Col W ^m Holland	Tho ^s Bordley Esq ^r
Col M. T. Ward	Col Richard Tilghman
Col Thomas Addison	James Bowles Esq ^r

His Honour the Gov^r Communicates to this House a par^r of a Letter from his Ex^{cy} W^m Burnett Esq^r Gov^r of New York to him Dated April 1721 Which par^r is as follows Viz.

S^r The Inclosed Papers will Shew you both the Occasion and Grounds of my Giving you this trouble if there is not Speedy Care taken to repair the fortifications on the frontier of New York And to build Some new ones The French will soon have it in their Power to set the Indians on ruining all the Colonys where the Plantations lye remote from great Towns, I must therefore recomend it to you to Provide the Six hundred and fifty Pounds which the King has named as the Quota of your Province and transmitt it to New York to be applyed as the Kings Instruction Directs.

The Papers referred to in the aforesaid Paragraph (and sayd to be Instructions from the Crown) are as follow Viz. p. 15

Instruction 91. Whereas it has been thought requisite that the Generall Security of our Plantations upon the Continent of America be Provided for by a Contribution in Proportion to the Respective Abilities of Each Plantation And Whereas the Northern Frontiers of the Province of New York being the next Exposed to an Enemie do require an Extraordinary Charge for the Erecting and maintaining of forts necessary for the Defence thereof And Whereas Orders were given by King William the third for the advancing of £50 Sterling Towards a fort in the Onondage Country And of two thousand pounds Sterl Towards the Rebuilding of the Fort at Albany and Schenectady, and Likewise by Letters under his Royal Sign manuall Directed to the Gov^{rs} of Divers of the Plantations to recommend to the Councils and Generall As-

U. H. J. semblys of said Plantations that they respectively furnish a Proportionable sum towards the fortifications on the Northern frontiers of our said Province of New York Viz.

Rhode Island & Providence Plantation	£150
Connecticut	450
Pensilvania	350
Maryland	650
Virginia	900

p. 16 And Whereas we thought fitt to Direct that you also Signifie to our Province of Nova Cæsarea or New Jersey that the Sums which we have at Present thought fitt to be Contributed by them (if not already done) in Proportion to what has been Directed to be Supplied by our Other Plantations as aforesaid are £250 Sterling for the Division of East New Jersey and £250 Sterling for the Division of West New Jersey You are therefore to Inform yourself What has been done therein And What remains further to be done And to send an Account thereof to us and to our Commissioners for Trade and Plantations as aforesaid

Instruction 92. And you are also in our name Instantly to recommend to our Councill and the Gen^l Assembly of our said Province of New York that they Exert the Utmost of their Power in Provideing without delay What further shall be Requisite for Repairing Erecting and maintaining Such forts in all parts of that Province as you and they shall Agree upon

Whereupon the following Message is prepared Viz.

p. 17

By the Upper house of Assembly

July the 20th 1721.

Gentlemen. His Honour the Gov^r having layd before us the papers herewith sent you We Desire your Consideracion thereon And request you to inspect into the Journalls of your house in March Assembly 170½ for your further Information therein for that our Journalls of that Date are not so full in Relation to that Affaire As We hope yours are And that after Consideration you will return us the Papers herewith Sent, with your thoughts thereon And What you find has been transacted in Relation thereto

Signed p order Joh Beale Cl. Up. Ho.

The house Adjourns till one of the Clock in the Afternoon

Post Meridiem

U. H. J.

The house meet according to Adjournment

Present

Col Holland		Col Ward
Col Addison		Esq ^r Bordley and
Col Tilghman		Esq ^r Bowles

The Message Prepared in the forenoon Relateing to the New York Affairs with the Sev^l Papers therein Mentioned

Sent to the Lower house by Esq^r Bowles Who returns & Says he delivered the same

The Petition of the Nanticoke Pocomoke and Indian River p. 18 Indians being read is order'd to be thus Endorst Viz.

By the Upper house of Assembly

July the 20th 1721

The within Petition being read is referr'd to the Consideration of the Lower house of Assembly to make some Reasonable Provision therein

Signed p Order Joh Beale Cl Upp Ho.

Sent to the Lower House by Coll Thomas Addison Who returns and says he Delivered the same

The Petition of the Vestrymen Church Wardens & Other Parish^{rs} of Westminster Parish on the North side of Severn River in Ann Arundell County

Being read is ordered to be thus Endorst Viz.

By the Upper house of Assembly

July the 20th 1721

The Within Petition being read its thought very reasonable that the the Petitioners be relieved according to their Prayer Provided their Allegations be made good, And that the Other p. 19 Parish will afford a reasonable Maintinance for an Incumbent when the Alteration is made as prayd, and that the Incumbents therein Concerned have due notice hereof Which we referr to your Consideration

Signed p ord^r John Beale Cl. Upp^r House

Sent to the Lower house by Coll Tilghman who returns and Says he Delivered the Same

M^r Dashiell and M^r Caldwell from the Lower house Deliver Col Holland The Pet^o of the Nanticoke Pocomoke and Indian

U. H. J. River Indians in Somerset County which is thus Endorst
Viz.

By the Lower House of Assembly

July the 20th 1721

This House is of Opinion that the Laws already made do
Sufficiently Provide Against the Inconveniencies Complained
of by the within Pet^o

Signed p Order M. Jenifer Cl. Lo. Ho.

The house Adjourns untill to Morrow Morning Eight a
Clock

Friday Morning July the 21st 1721

The House meets according to Adjournment

Present

p. 20 His Honour Charles Calvert Esq^r Gov^r of Maryland

Col W ^m Holland	Col Matt. Tilghman Ward
Col Thomas Addison	Thomas Bordley Esq ^r and
Col Richard Tilghman	James Bowles Esq ^r

Col Hynson & M^r Warfield from the Lower house Deliver
his honour the Gov^r the following Message with the Address
Sent Viz.

By the Lower House of Assembly

July the 21st 1721

May It please Your Honours

We have Seriously weighed your Honours Recommenda-
tion to us Relateing to the Granting a Supply for Erecting a
Light house on Cape Henry, but as we are altogether Ignorant
of the Reasons inducing the Government of Virginia to recom-
mend that Affair to us and are also at a Loss of what Ad-
vantage or whether any it may be to Trade so wee begg leave
to Deferr Coming to any Resolution therein untill Such time
as that Government is Pleased to be more particular in that
p. 21 Affair Which if We find likely to be Advantagious to trade
we shall then fall into such Measures as may be thought
Reasonable.

Signed p order Mic: Jenifer Cl. Lo. Ho.

The House Adjourns untill one a Clock in the Afternoon

Post Meridiem

U. H. J.

The House meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Governour

Col W^m Holland

Col Tho^s Addison

Col Rich Tilghman

Col Matt Tilghman Ward

Tho^s Bordley Esq^r

and

James Bowles Esq^r

This House takes this oppertunity of Desiring Coll^o Holland to present to his Honour the Gov^r their ans^r to his Speech Which answer he accordingly psents & is as follows

By the Upper house of Assembly

July the 21st 1721

May It please Your Honour

It is with great Pleasure We observe your Honour Satisfied with our Proceedings the Last Sessions We then Endeavoured to Discharge our respective duties faithfully and meet your Honour now under the same resolutions which from your Approbation of what is past We have Sufficient reason to believe will not faile of your Honours Favourable Acceptance.

p. 22

Your Honour Supporting those that are truly Affected to his most Sacred Majesty the Protestant Interest & the Prosperity of this Province is a most Agreeable Argument of your good Inclinations Which together with the Preferring in your Esteem Men of Worth and Sobriety Who addhere to our Established Church to such as are of a more loose and Dissolute Conversation the due Encouragement of Virtue and Resentment of Immorality and Prophanesse will be the most pleasing return we can receive for our Utmost Endeavours to Oblige you and whenever it Shall please our Lord Prop^{ty} to Hon^r us with his Presence we doubt not his being fully Satisfied of the Greatfull Sence we have of his Kind Commands which you are Pleased to Communicate to us.

We shall readily Joyn with the Lower house in reviving the Revenue Laws & such others as are necessary for the Common Good and shall Apply ourselves to the Consideration of all such Papers as your Honour shall think fitt to Communicate to us.

p. 23

We Cannot but Esteeme your Hon^{rs} Recommending to us the Support of our now Sinking Trade as a most Convincing Proof of your Concern for our Welfare it being Evident you

U. H. J. can have no Other Interest therein than the Pleasure you may take in Seeing us Prosper we Acknowledge your Honours good Disposition in Promoting love and Unity amongst all his Majestyes good Subjects And your kind Resolutions of Advancing the Generall good of this Province, And if heartily Joyning our Endeavours with yours to promote so good a Work And to Unite the minds of the Good People of Maryland in a Christian and neighbourly Affection to Each Other will Convince you of our Fidelity to his Lordship we shall not Doubt of our being Approved as we really are his Lordship's And Your Honours

faithfull & Obedient Servants

Will ^m Holland	Thomas Addison
Richard Tilghman	Matt: T: Ward
Thomas Bordley	James Bowles

After his Honour the Governour Receiving the said Answer He is Pleased to return to this House his hearty thanks and
p. 24 Says he shall doe to the Utmmost of his Power to Serve them
The house Adjourns untill to Morrow Eight a Clock

Saturday morning July the 22^d 1721

The House meet According to Adjournment

Present

His Honour Charles Calvert Esq^r Gov^r

Coll^o Holland, Coll^o Addison, Coll^o Tilghman, Henry Lowe Esq^r Coll^o Ward, Thomas Bordley Esq^r and James Bowles Esq^r

Upon Reading the Pet^o of Maj^r Nich^o Sewall son and heir of Henry Sewall of St. Marys County Deceased its Ordered to be thus Endorst viz.

By the Upper house of Assembly

July the 22^d 1721

Gentlemen,

Upon reading and Considering the within Petition And upon due inquiry made whether the within Petitioner had Ever Satisfaction made him, for the within Lands we Cannot finde that he had, Therefore referr the further Inspection and Consideracōn thereof to your house

The said pet^o sent to the lower house by Esq^r Lowe, who returns and Says he Delivered the same

p. 25 The house adjourns untill one a Clock in the Afternoon

Post Meridiem

U. H. J.

The house meet According to Adjournment

Present

His Honour Charles Calvert Esq^r Gov^r

Coll^o Addison Esq^r Loyd, Coll^o Tilghman Esq^r Lowe Coll^o
Ward Esq^r Bordley & Esq Bowles.

The following Message Prepared by this house & Agreed
upon

By the Upper house of Assembly

July the 22^d 1721

Gentlemen. It being represented to this house by Severall of the Chief Officers of the Militia, that the Captains and other Officers under their Command are Discourag'd from Performing their Duty by being Rather Disused and Affronted, than Respected and Obeyed by the private Sentinells, which they Conceive is Chiefly Ocasioned by a want of Power in the Captains of the Severall Troops and Companys, to fine those who doe not Observe their Duty, as the Law Directs but must Apply to two of the field Officers for that purpose Who knowing the frequent Disappointments, that Attend the hearing Such Complaints Doe not Care to take the trouble upon them, It is therefore Proposed by this house that the Severall Captains, be Enabled by a Supplementary Act to fine those Who doe not Perform their Duty according to the Act for regulating the Militia &c^a With a Liberty to the p^{erson} So fin'd if he think himself Agreiv'd to Appeale to two of the Chief Officers for reliefe

Signed p order Joh Beale Cl. Upper Ho.

Sent to the Lower house by Col Ward who returns & Sayes
he Delivered the same

The following Message prepared and agreed upon by this
house Viz.

By the Upper House of Assembly

July the 22^d 1721

Gentlemen. It is found by Experience that the Act for Limitting the Continuance of Actions is rather a prevention than a furtherance of Justice for that so many unforeseen Casualties frequently happen in the Course of Legall Proceedings that a Certain time Cannot be Limited for their Continuance without Imposing inevitable hardships on the

U. H. J. Suitors against the very right of their Causes And whereas the Act Imposes (and not unjustly) the penalitie on the party
 p. 27 that is in fault It some times happens that Causes are Continued without the fault of Either party as it happen'd the last Prov^l Court whome in many Cases where the Parties were willing on all Sides, their Cases Could not be heard for the vast number of Criminall Prosecutions that took up almost the whole time of that Court thô It Sat Longer than any Court for many years has been Known to do It would be tedious to Ennumerate the many Instances that have happened Since the making that Law And Which may hereafter happen wherefore We do not think it Advisable to Continue that Law Unless you could Provide against the Sickness or other Casualties Incident. to the Judges the Evidences the Parties and Officers and generally in all Cases where the Act of God May Intervene Which is Impossible And therefore we recomend to you the preparing a Short bill for the repeale of that Act And to Save to the Parties that Suffered last Provincially Court by that Law their full right to proceed in their Respective Causes as if such Act had never been made

Signed p order Joh Beale Cl. Upper ho.

Sent to the Lower house by Col Tilghman who returns and Says he Delivered the same.

p. 28 On hearing the bill to Confirm the Lands Devised by Robert Anderson of Prince Geo: County deceased unto his three Sons Robert Anderson Cuthbert Anderson and James Anderson in ffee Simple to them & their heires for Ever, And the Pet^o preferred ag^t the passing the said Act by Hugh Rogers Jane his Wife and Francis her Sister It's Ordered that the said Hugh Rogers Jane his Wife and Francis her Sister appeare before this house on Wednesday next being the 26th day of July Instant to make Good the facts alledged in their said pet^o if to them It shall seem meet.

And Likewise its ordered that Elizabeth Bradgurt Mother to the said Pet^{rs} appeare at the Place and time appointed as aforesaid to testifie as an Evidence in this Affair A Copy of which Orders is made & Delivered to Mehitable Parepoint one of the parties petitioning for the Aforesaid bill

This house finding that the business thereof Cannot be done by the Clerke of this house, without hindrance of time thereupon Joshua George is Admitted as Clk Assistant to the
 p. 29 Clerke of this house for the Dispatch of Business.

The house Adjourns untill Monday Mor Eight a Clock

Munday morning July 24th 1721

U. H. J.

This house meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Gov^r

Col Thomas Addison	Henry Lowe Esq ^r
Phil Lloyd Esq ^r	Col Matt T. Ward &
Col Richard Tilghman	James Bowles Esq ^r

Col Mackall and Coll^o Hynson from the Lower house Deliver Esq^r Lloyd the following Message

By the Lower house of Assembly

July the 24th 1721

May it Please Your Honours

This house is of opinion that the Act for regulating the Militia has Provided a Sufficient Punishment for the Delinquents ag^t that Act

Signed p order Mic. Jenifer Cl. Lo. Ho.

M^r Benson & M^r Clayton from the Lower House deliver His Honour the Gov^r the following Message Viz.

By the Lower House of Assembly

July the 24th 1721

May It please Your Honours

We have received your Message by Coll. Tilghman recommending to us the Repeale of the Law for Limiting the Continuance of Accons in the Severall Courts And haveing seriously Considered the same are humbly of Opinion that the Intent of the Law as well as Express words relateing to the Prov^l Court do Import that the Jurisdiction of the same Court doth Extend to the Expiration or End of four Courts Exclusive of the Appearance Court which Length of time doth seem very Sufficient to Dispatch the business of the same For which reason we Cannot incline to make a repeal or any Alteration of the said Law; Adding further this Consideration that we have heard no Complaints from any Other Courts that the time Limited by Law hath Proved Prejudicial to their Proceedings

Signed p Ord^r M Jenifer Cl Lo. Ho.

The House Adjourns untill one of the Clock in the Afternoon

U. H. J.

Post Meridiem

The House meet According to Adjournm^t

Present

p. 31

His Honour Charles Calvert Esq^r Gov^r

Col Holland	Col Ward
Coll ^o Addison	Esq ^r Bordley &
Col Tilghman	Esq ^r Bowles
Esq ^r Lowe	

The house Adjourns untill to Mor Eight a Clock

Tuesday Morning July 25th 1721

The House meet According to Adjournment

Present

His Honour Charles Calvert Esq^r Governour

Col Holland	Esq ^r Lowe
Col Addison	Col Ward
Esq ^r Lloyd	Esq ^r Bordley &
Col Tilghman	Esq ^r Bowles

The House Adjourns untill one a Clock in the Afternoon

Post Merediem

The house meet According to Adjournment

Present

His honour Charles Calvert Esq^r Gov^r

Coll^o Holland, Coll^o Addison, Esq^r Lloyd, Coll Tilghman,
Esq^r Lowe, Coll^o Ward, Esq^r Bordley & Esq^r Bowles.

On reading and Considering the Pet^o of Cha: Rivers for his relief being under Confinement in a Close Goal at the Suit of Charles Carroll Esq^r Deceased &c, And on hearing as well the Motion made by said Petitioner's Wife as M^r Ja^s Carroll on behalfe of the said Charles Carroll Ex^r of the s^d Charles Carroll Esq^r deceased the said Exec^r being Present in relation to the Premisses Contained in the within pet^o Its Ordered on the Prayer of the said pet^{rs} Wife that the Sheriff of Ann Arundell Co^{ty} bring before this house the said Pet^r in order to Speake for himself to his Said Pet^o Afterwards pursuant to the aforesaid Order the said Sherr by his Dep^{ty} brought before this house the said Pet^r Whereupon the said Pet^r Allegacons is Likewise heard (in the Presence of the said

p. 32

Ja Carroll) in relacon to the premisses It is order'd that the U.H.J. said pet° be thus Endorst Viz

By the Upper House of Assembly

July the 25th 1721

Which pet° being read, and as well the Alegations of the within Pet° as the Ex^r of the within Cha: Carroll Esq^r Deceased by M^r James Carroll (who Acted on his behalf) being heard in Relation to the Premisses within Contained

The said Pet° is rejected

Signed p Order Joh Beale Cl Upp^r ho.

The house Adjourns untill to morrow Eight a Clock.

Wednesday morning July the 26th 1721

The house meet according to Adjournment

Present

His Honour Cha: Calvert Esq^r Gov^r

Col W^m Holland

Col M. T: Ward

Col Tho^s Addison

Tho^s Bordley Esq^r

Col Rich Tilghman

Ja^s Bowles Esq^r

Henry Lowe Esq^r

The following Message is Prepared by this house Viz.

By the Upper House of Assembly

July the 26th 1721

Gentlemen. Having read your Answer to our Message by Coll Tilghman, relateing to the Law for the Continuance of Actions We are apprehensive that your opinion that the time for Continuance is to Extend to the End of the fourth Court after the Appearance Court will not have Sufficient Weight or Influence or Salve the Consciences of those Justices in the Courts of Law who have hitherto been of a Contrary Opinion nor do we find that you do at all Consider the Circumstances of those that must Suffer without their fault by the Extraordinary Criminall business the last Prov^l Court or at Least that you have not proposed any provision for them for that Some Causes will Expire in August (to which time being a Speciall Adjournment no Jury could be Summoned) Even thô the time of the Limitation should be Adjudged According to your Opinion we Cannot Omitt to remark that the Consequence of that Law is burthensome to the P^l Suitors in Obliging them to renew their Suits at double Charges for the

U. H. J. recovery of their Just Debts and oppressive to the Defendants in Causing them to be Condemn'd perhaps by the Default of their Attorney in unjust Demands and thereby Obliging them to Tedious Suits in Chancery And in the high Court of Ap-
 p. 34 peals and perhaps at last Scarcely Able to Extricate themselves from the Inconveniency of that Law And by this means the Att^{rnys} who phaps are the only psons faulty (Except where the Act of pvidence Interposes) are the only Gainers by haveing their Causes Ended without the Trouble of Pleading them their Fees sooner paid And their business thereby much Increased

We therefore ppose that you would rather Remedy the Evill of Delaying Suits by Imposing a Smart fine on the Attorney that shall be the Cause of the Delay than (phaps for his negligence) to Destroy the Clyents Cause; if what we have said will not Incline you to Repeal that Law And that any Inconveniency happen to the good people of this province for want thereof we hope It will not be Imputed to want of Consideration in our part of the Legislature

Signed p order Joh Beale Cl Up ho.

M^r Tyler and M^r Caldwell from the Lower house Deliver his Honour the Gov^r A Supplementary bill to the Act for Stay of Execucon after the tenth day of May yearly which is thus
 p. 35 Endorst Viz.

By the lower house of Assembly

July 26th 1721

Read the first and Second times by Especiall Order and will pass Nemine Contradicente

Signed p Order M. Jenifer Cl. Lo. Ho.

The last Message ppared relateing to the Continuance of Actions, Sent to the lower house by Esq^r Bowles who returns and Says he Delivered the Same

The following Message Prepared Viz.

By the Upper house of Assembly

July the 26th 1721

Gent. You Having had his Lordships Speech for your perusall Ever since the beginning of this Sessions we Desire you will let us have the perusall thereof

Signed p Ord^r Joh Beale Cl. Up. ho.

Sent to the lower house by Coll Addison who returns and Says he has Delivered the Same

The following Message prepared and agreed Upon by this U. H. J. house Viz.

By the Upp^r house of Assembly July the 26th 1721

Gentl. We are not willing to believe but that you have read and in some Measure Considered our Message the 22^d Instant by Coll Ward thô by your Opinion of the 24th in relation thereto It might seem otherwise

We did not propose to you the Enlargement of the punishment but that the punishment already appointed (the Quantity whereof you do not object against) might be duly inflicted p. 36 on the Offenders. In vain is it to proportion Punishments to Offences if the Method of bringing the Offenders to punishm^t be rendered Impracticable as many Years Experience Sufficiently Demonstrates this to be

Gent. We take it that thô this fine of One Hundred pounds of Tob^o be but small in it Self Yet in the Consequence of it the Honour & Safety of our Country is much Concern'd Upon the due Execution of this Law Depends the whole Regulation of the Militia for that is the only tye upon them to obey and Obedience is Essentiall to Discipline, and Discipline to Defence and even in the Time of the most happy Tranquility

A Well regulated Militia is not only an Honour but a Preservative of Peace by keeping in Awe a less Disciplined Neighbour. Whereas the neglect of this is even an Invitation to others to take Advantage of our not being in a Posture of Defence

We take this Oppertunity to Acquaint you that many the most Capable p^{ns}ons have refused to Accept Commissions And those that have them Desire to lay them down Because they are only Called Commanders but have no legall power to Induce Obedience we likewise observe that the fine is what you Approve of and the Judges of it (proposed) are the Same the p^{sent} Act appoints Wherever the party fined Pleases to make them so for, if he Dislikes the Judgm^t of the Capt he may then Complain to and have the same Judges w^{ch} that Law already appoints If he likes the Capt^s Judgment the Alteration we propose can be no Grievance to him to which if you Agree may be Added that no such Fines be Executed for without the Approbation & Certificate of the field Officers Certainly p. 37

Gent Should you refuse to Amend this Act in the points Proposed w^{ch} Alter not the Substance but render the due Execution of it more practicable it must be necessarily Understood as the Effect of your Dislike to the Act it Self And by Consequence a dislike to Any Militia for the Deffence of the Country

Signed p Ord^r Joh Beale Cl Up Ho.

U. H. J. M^r Lee and M^r Benson from the Lower House Deliver Col Holland the following Message Viz.

By the Lower house of Assembly

July the 26th 1721

May It please Your Hon^{rs}

p. 38 In answer to your Message of this day by Col Addison, this house being Informed that a true Copy of his Lordships Speech Attested by our Clerk has been Delivered your Clerk Are of opinion that the original Speech ought to be lodged in this house according to the Antient Custom & Privilege

Signed p Order M: Jenifer Cl Lo. ho.

The house Adjourns till one a Clock in the Afternoon

Post Meridiem

The House meet According to Adjournm^t

Present

Col Holland	Col Tilghman	Esq ^r Bordley
Col Addison	Esq ^r Lowe	and
Esq ^r Lloyd	Col Ward	Esq ^r Bowles

The Message prepared in the forenoon in relacon to the Militia Sent to the Lower house by Col Addison and Col Tilghman who return and Say they Delivered the Same

The Supplementary bill to the Act for Stay of Execution after the tenth day of May Yearly being read is Order'd to be thus Endorst Viz.

By the Upper house of Assembly

July 26th 1721

Gent. On reading and Considering the within Bill We think it as Reasonable that Executions out of the Comissaries
p. 39 Office should be Lyable to be Superseeded as well as those out of the Chancery Court But we Likewise think it highly reasonable that in all Judgments for money, Debts, or bills of Excha the Severall Courts should have it left to their Discretion to Allow or Disalow such Superseedeas as they may find it most Agreeable to the Equity of the Case which shall be resolved on and Determined at the time of the Judgm^t rendered And the Clk of the respective Courts shall note such resolution on the back of the Execution at the time of the Issuing thereof of which the Sherrieff or Coroner respectively

shall be obliged to take due notice with which (which we U. H. J. Esteem Necessary) qualifications to said bill it will pass

Signed p Order Joh Beale Clk Upp^r Ho.

And Sent to the Lower House by Esq^r Lowe who returnes and Sayes he Delivered the same

Col Mackall with three Others from the Lower house Deliver Col Holland there following four bills Viz.

A bill reviveing and Continueing the Act Intituled an Act Ascertaineing the Gage and Tare of Tobacco hogsheads Which is thus Endorst Viz.

By the lower house of Assembly

July the 26th 1721

Read the first and Second times by Especial Order and will p. 40 pass.

Signed p Order M: Jenifer Cl. Lo. Ho.

A Bill reviveing and Continuing an Act Intituled an Act for regulateing of Ordinarys which is thus Endorst Viz.

By the Lower house of Assembly

July the 26th 1721

Read the first and Second times by Especiall ord^r & will pass

Signed p Order M: Jenifer Cl. Lo. Ho.

A Bill for reviveing and Continueing an Act of Assembly Intituled an Act for relieveing the Inhabitants of this Province from some Aggrievances in the prosecutions of Suits at Law Which is thus Endorst Viz.

By the Lower house of Assembly

July the 26th 1721

Read first and Second time by Especiall order and will pass.

Signed p order M: Jenifer Cl. Lo. Ho.

A Bill for reviveing An Act Entituled an Act for raiseing a duty of Three pence p hh^d on all Tobacco Exported out of this pvince for the use therein Menconed

To Which is thus Written Viz.

By the lower house of Assembly

July the 26th 1721

Read first and Second time by Especiall Order and will p. 41 pass

Signed p Order M: Jenifer Cl. Lo. Ho

U. H. J. The following Message prepared and Considered of Viz

By the Upper house of Assembly

July the 26th 1721

Gentlemen. Waveing all Disputes about the Antient Customs and Priviledges of your house w^{ch} yet we Cannot Agree you have any Title to in the manner set forth in Your Message of this Day by M^r Lee and M^r Benson the Mutuall Agreement & good Correspondency that always Ought to Subsist between the two houses gave us a great deal of reason to believe that we should not have been Denyd the Perusall of his Lordships Originall Speech for if we had required it as being a branch of the Legislature to whom it was in the first place Addressed we should not in our Oppinion have Exceeded that measure of Right which is Justly due to the prehemancy both in the order and Dignity of Our house but we were not for prolonging the Sessions nor spending our Countreys mony in Trifling Debates and therefore Contented ourselves in requesting barely the Perusall of the Originall Speech wth Designe only to Correct the Errors that we Imagine are to be found in the Copy Attested and Sent us by the Clk of your house But that we may Inform you in this matter Which
p. 42 you Seem at Present to misapprehend We take that Speech to be the Governours proper Authority for Delivering in his Lordship's name the Subject matter of it And which Certainly neither belongs to you nor us Otherwise than as we have the favour of our Perusing it for the refreshing of our Memories and Entring it Correctly on our respective Journalls.
Signed p order Joh Beale Cl. Upp^r ho.

Sent to the lower house by Col Ward Who returns and says he Delivered it

These following three bills Viz.

A Bill for reviving and Continuing an Act of Assembly Intituled an Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law

A bill reviving & Continuing the Act Intituled an Act Ascertainning the Gage and Tare of Tob^o hogsheads

A bill for reviving an Act Entituled an act for Raising a duty of three Pence p hh^d on Tobacco Exported out of this Province for the use therein Mentioned

Which three bills being read are Severally thus Endorst Viz.

By the Upp^r house of Assembly

July the 26th 1721

p. 43 Read and will Pass

Signed p order Joh Beale Cl. Upp^r ho.

And Sent to the lower house by Esq^r Bordley & Esq^r Bowles U. H. J.
who return & Say they Delivered them

M^r Turbutt & M^r Warfield from the lower house Deliver
Col Holland. A Supplementary bill to the Act for Stay of
Executions after the tenth day of May yearly which is thus
Endorst Viz.

By the Lower House of Assembly July the 26th 1721
May It please Your honours

We have Included the Comissaryes Court in the within bill
with the Courts therein menconed according to your Hon^{rs} Pro-
posall But cannot Allow of giving the Severall Courts the
Discretionary power proposed of Allowing and Disallowing
the Superseeding of Judgments for money or bills of Ex-
change Therefore Desire the Bill may pass as it now is.

Signed p order M: Jenifer Cl. Lo. Ho.

The House Adjourns until to Morrow morning at Eight
a Clock

Thursday Morning July 27th 1721.

The House meet according to Adjournment

Present

His Honour Charles Calvert Esq^r

Col Addison

Col Ward

Esq^r Lloyd

Esq^r Bordley &

Col Tilghman

Esq^r Bowles

Esq^r Lowe

The petition of Such as are Concern'd & Interested in the
buildings or Trade of Upper Marlborough in Prince Georges p. 44
County Complaining of the great Charge and loss by the Care-
lessness and Negligence of fire in wooden Chimneys &c. being
read is ordered to be thus Endorst

By the Upper House of Assembly

July the 27th 1721

The within petition being read, the Consideracōn thereof
is referr'd to the Lower house of Assembly

Signed p Order Joh Beale Clk Upp^r ho.

And Sent to the Lower house by Esq^r Bowles who returns
and Sayes he Delivered the same.

U. H. J. The bill to Confirme the Lands Devised by Robert Anderson of Prince Georges County Deceased unto his three Sons Robert Anderson Cuthbert Anderson & James Anderson in ffee Simple to them and their heirs and Assignes for Ever which was referr'd from last Assembly is Order'd to be thus Endorst Viz.

By the Upper house of Assembly

July the 27th 1721

Gentlemen Upon reading the within bill & hearing the Allegations of the parties as well for as against the bill it appears to this house that the Petitioners for the bill have great Equity on their parts for the passing of the Same but
p. 45 that they are in no wise relievable by the Ordinary Courts of Judicature the Prayer thereof being for Relief against a Paragraph of the Act of Parliament for Preventing frauds & Perjuries

Wherefore for that the Pet^{rs} in the bill are not Otherwise Relievable we think it highly reasonable the bill do pass

Signed ʔ Order Joh Beale Cl. Up. ho.

And Sent to the Lower house with Severall papers thereto relateing and Anderson's Will by Col Ward Who returnes and Says he Delivered the same

The petition of Thomas Megraw praying for Allowance for his Attendance as a Guard over one Riddlesden for a Journey up to Jn^o Young the Gunner the Same Allowance being rejected by the publick &c. being read is ordered to be thus Endorst Viz:

By the Upper House of Assembly

July the 27th 1721

Gentlemen. Upon reading and Considering the within Petition We think it reasonable to referr the Pet^r to be Paid by the Gunner for his Journey to him who Ought to Attend his Station or Provide a ʔson to give him Notice when occasion
p. 46 but as to his Attending as a Guard it being by Order of the Prov^{ll} Court for the better bringing an Arch Criminal to Justice as Appears by a Record of that Court we recommend it as reasonable to be paid by the Publick

Signed ʔ order Joh Beale Cl. Up. ho.

His Lordships Orig^{ll} Speech is now Sent in by the Clk of the Low^r house

The House Adjourns untill one a Clock in the Afternoon

Post Meridiem

U. H. J.

The house meet according to Adjournm^t

Present

His Honour Charles Calvert Esq^r Gov^r

Col Holland Phil: Lloyd Esq^r Col Addison Colonel Tilghman Esq^r Lowe Col Ward Esq^r Bordley & Esq^r Bowles.

The petition of Thomas Megraw Sent to the lower house by Esq^r Bordley Who returns & Sayes he Delivered the Same

The Supplementary bill to the Act for Stay of Execucons after the Tenth day of May yearly being read is Order'd to be thus Endorst Viz.

By the Upp^r house of Assembly

July the 27th 1721

Gentlemen. We thought the Judges in the respective Courts might have been very well Trusted with the Judicial Liberty of Granting or Denying the Supersedeas proposed in respect to Mony Debts according to the Equity of the Case before them Especially Considering that the Same reasons do not Subsist for mony as for Tobacco Mony Debts and Bills of Exchange are Commonly Contracted to be paid by the going out of the Ships which generally happens in the Summer time after the time limited for Stay of Executions and Such Contracts by this Law are lyable to be Defeated by those that have so little regard to honesty and their Characters as to take Advantage of it And who may probably have prevented the Creditor from Suing Earlier by making him faithfull promises to Comply by such Time & might perhaps likewise in Dealing have been Allowed a Consideracon for Such promiss of prompt paym^t which We think the respective Judges might have been reasonably Allowed to Judge of, these and many Such like Considerations naturally arrise on the proposed Amendment And we should have taken it kindly if you had given yourselves the trouble of Informing us of such reasons as Weighed with you to reject the Proposall that we might have had the oppertunity of being Convinced by your Reasons Rather than be Compelled to Drop it by your peremptory refusal However Gentlemen to Shew how much we study to Avoid Contest We referr these remarks to your Consideration and Assent to the bill Either with or without the Amendment.

Signed p Order Joh Beale Cl. Upp^r ho.

U. H. J. M^r Tyler and M^r Crabb from the Low^r house Delivers his Honour the Governour A bill for the naturalization of Joseph Lazear & Gustavus Hesselius of Prince Georges County and their Children and Also Christian Geist of the City of Annapolis Gent with the Severall Pet^{os} thereto relateing Which bill is thus Endorst Viz.

By the lower house of Assembly

July 27th 1721

Read the first and Second times by Especial Order and will pass.

Signed p order M Jenifer Cl. Lo. ho.

The Supplementary bill to the Act for Stay of Executions after the tenth day of May yearly

Sent to the lower house by Esq^r Bowles Who returns and Sayes he Delivered the Same.

The following Message prepared and Considered of Viz.

p. 49

By the Upper house of Assembly

July the 27th 1721

We take the Liberty to put you in mind of the Necessity of Repairing and Securing the Publick records & Buildings what was resolved on as to the former We Apprehend is not pfected and as to the Latter there has been nothing done we propose it to you as a Prudent Provision ag^t Accidents of fire for the Security of the publick buildings that a good fire Engine with 20 or 30 Leathern buckets might be sent for at the Publick Charge to be Lodged in some one of those buildings for the publick use and we think it would be a further Security to those Buildings were there such Provision made by a Publick Act for the City of Annapolis as has been Proposed in Malbrough and also that Oxford may be Included in that Provision

Signed p order Joh Beale Cl. Up^r ho.

The Pétition of Thomas Bozman of Tallbott County and Char^s Ungle of Dorchester County Gent. for a Longer Continuance in their Office as Sherr &c^a being read is Ordered to be thus Endorst Viz.

By the Upper House of Assembly

July the 27th 1721

Read and rejected

Signed p order Joh Beale Cl. Up. ho.

Coll^o Maxwell and M^r Taylor from the Lower house De- U. H. J.
liver his Honour the Governour A bill to Limit the Continu- p. 50
ance of Actions in Sev^l Courts within this Province and
Ascertaining the manner of takeing the Evidence of Seafaring
Men And for Granting Appeales from the Chancery Court
to the Gov^r and Councill

Which is thus Endorst Viz.

By the Lower house of Assembly

July the 27th 1721

Read the first and Second times by Especial Order and will
pass

Signed p order Mic. Jenifer Cl. Lo. Ho.

The bill for the Naturalization of Joseph Lazear and Gus-
taphus Hesselius & their Children, and alsoe Christian Geist
of the City of Annapolis Gent. being read is ordered to be thus
Endorst, Viz.

By the Upp^r house of Assembly

July the 27th 1721

This bill will Pass with this Amendm^t viz. (they the said
Joseph Lazear Gustavus Hesselius and Christian Geist have-
ing taken the usuall Oaths to the Government appointed by
Law) being inserted where Noted in the bill

p. 51

Signed p order Joh Beale Cl. Up. ho.

Which bill with the Severall pet^{ns} thereto relateing and the
Message Prepar'd in relation to the Secureing the Publick
buildings Sent to the lower house by Col Addison who returns
& says he delivered the same

The bill to Limitt the Continuance of Accons in Sev^l Courts
within this Province And Ascertaining the manner of takeing
the Evidence of Sea fairing men and for granting Appeales
from the Chancery Court to the Gov^r and Councill being read
is Order'd to be thus Endorst Viz.

By the Upper house of Assembly

July the 27th 1721

Gentlemen. This Bill being read tis Propos'd the Word
(Her) in the first Sheet be Struck out And Also that the fine
on the Attorneys would be more properly Applied if it were
made to the Lord Proprietarie the one halfe to his Lordship
for the Use of Free schools &c. And the other halfe to the
Party grieved with which Amendment the bill will pass

Signed p Order Joh Beale Cl. Up. ho.

U. H. J. Sent to the Lower house by Col Tilghman who returnes
and Sayes he Delivered the same

p. 52 The house Adjournes untill Eight a Clock to morrow
Morning.

Friday Morning July the 28th 1721.

The house meet According to Adjournment

Present

Coll^o Holland Coll^o Addison Esq^r Lloyd
Coll^o Tilghman Esq^r Lowe Col Ward
Esq^r Bordley and Esq^r Bowles

M^r Lloyd and M^r Crabb from the lower House Deliver Col
Holland the following Message Viz.

By the lower house of Assembly

July the 28th 1721

May it please your Honours

Your Mesage by Coll^o Addison hath been taken into Con-
sideration and we Assure you that we heartily Join with your
Honours as to the necessity of Repairing both Publick build-
ings and Records as well as a further necessity for Sending
for a fire Engine to Comply therewith we have Agreed to New
Shingle this House And to Amend the Magazine house and
repaire the Powder House And when these repaires are
p. 53 Amended It will be then time to take the repairs of the records
under our Consideration we have also ordered the Treasurer
of the Eastern Shore to send for a fire Ingine with a large
quantity of Bucketts of about 20^{li} Value to be lodged as you
Desire And have made a resolve to bring in a bill to Disable
any person from keeping Publick houses in the City of An-
napolis and Oxford Unless they build Brick Chimneys in the
Space of Eighteen months as well as Upper Malbrough

Signed p Order M: Jenifer Cl. Lo. Ho.

M^r Smith and M^r Warfield from the Lower house deliver
to Coll Holland the following Message Viz.

By the lower house of Assembly

July the 28th 1721

May It please Your honours

We have Debated your Honours Message of the 26th
Instant p Coll Addison and Col Tilghman on the Militia Act
And are still of the same opinion as We mentioned in our

former Message of the 24th Instant by Col Mackall & Col U. H. J. Hynson

Signed p Order M: Jenifer Clk Lo. ho.

The house Adjourns untill one a Clock in the Afternoon

Post Meridiem

The House meets according to Adjournment

Present

p. 54

Coll ^o Holland	Coll ^o Addison	Esq ^r Lloyd
Esq ^r Lowe	Col Ward	Esq ^r Bordley & Esq ^r Bowles.

M^r Lee and M^r Tyler from the lower house Deliver Col Holland A bill Impowering the Justices of Prince Geo: County to Levy twelve pounds of tobacco p poll on all Taxables within the said County for finishing their Court house and building a Publick Prison for the Use of the said County Which is thus Endorsed Viz.

By the lower house of Assembly

July the 28th 1721

Read the first and Second times by Especiall Order and will pass.

Signed p Order M: Jenifer Cl. Lo. Ho.

Esq^r Stoddert with thirteen Other's of the Lower house Deliver Coll^o Holland a Bill for Preventing the makeing of Trashy Tobacco and for Bettering the Staple of this Province. which is thus Endorst viz.

By the lower house of Assembly

July 28th 1721

Read the first and Second times by Especiall Order and will pass.

Signed p Order M: Jenifer Cl. lo. Ho.

p. 55

The Bill reviving and Continuing An Act Intituled an Act for regulateing of Ordinaryes being read is Orderd to be thus Endorst Viz.

By the Upper House of Assembly

July the 28th 1721

Gentlemen. Whereas in one Paragraph of the within Act It is Contained that no person or persons Inhabiting within

U. H. J. this Province not haveing Lawfull Lycence shall Sell by retaile Unless Sold at the Common & usual Rates of such liquors between merchants and others Any Cyder Quince drinck or other Strong Liquors to be drank in his her or their houses or About his her or their Plantation on the forfeiture therein mentioned Which Words (unlesse Sold at the Common & Usual rates of such Licquors between Merchants & others) have been found to give Countenance to many Evil practices amongst handicraft men and Labourers to the great Damage of Themselves and ffamilies as well as the Evil Example of others Be it therefore Enacted that the said words (unless Sold at the Common and usuall rates of such Licquors between Merchants [and] others) And the whole force power and Efficacy thereof be and is hereby wholly taken Away. We do
 p. 56 farther recommend it to your house if you see Proper to Prohibitt all Persons having Lycence to keepe Ordinaries from Selling Spiritts and Other Strong Liquors in other houses or at Other Places than they have allowance to vend them in at the time of the granting their lycences the County Court Houses in Court time only Excepted, where no Ordinary Keepers live and under the forfeiture in the said Law mentioned

Signed p order Joh Beale Cl Up ho.

Sent to the lower house by Col Ward who returnes and Sayes he delivered the Same

M^r Garrett and M^r Turbutt from the lower house Deliver Col Holland these three following Ingrost bills (with the paper bills) Viz.

A bill for reviving an Act for raiseing a duty of three pence per hogshead on all Tob^o Exported out of this Province for the Uses therein mentioned To Which is thus Written Viz.

July the 28th 1721

Read and Assented to by the lower house of Assembly and

Signed p order M: Jenifer Cl. Lo. Ho.

A Bill for reviving and Continuing an Act of Assembly Intituled an Act for relieving the Inhabitants of this Province
 p. 57 from Some Aggrievances in prosecution of Suits at law. To Which is thus written Viz.

July the 28th 1721

Read and Assented to by the Lower house of Assembly And

Signed p order M: Jenifer Cl. Lo. House

A Bill reviving & Continuing the Act for ascertaining the U. H. J.
Gauge and Tare of Tobacco hh^{ds} &c^a to Which is thus Written
Viz.

July the 28th 1721

Read and Assented to by the lower house of Assembly And
Signed p order M: Jenifer Cl Lo. ho.

The House Adjourns untill to Morrow Eight a Clock.

Saturday morning July the 29th 1721.

The house meet according to Adjournment

Present

His Honour the Governour

Col Addison	Esq ^r Lloyd	Col Tilghman
Col Ward	Esq ^r Bordley &	Esq ^r Bowles

Cap^t Jones and M^r Wailes from the lower house Deliver
his Honour the Governour the two following bills Viz. A
bill reviving and Continuing an Act Intituled an Act for
Regulating of Ordinaryes Which is thus Endorst Viz.

By the Low^r house of Assembly.

July the 29th 1721

May It please Your Honours.

On reading and Considering your Endorsment on the
within bill this house are not willing to put a greater Restraint p. 58
on the People of this Province Than is mentioned in the Origi-
nall Act And therefore We Desire your Concurrence with us
in Passing the within bill as it now is

Signed p order M: Jenifer Cl. Lo. Ho.

A bill for Explaining and Confirming the last Will and
Testament of William Bozman of Somersett County Deceased
which is thus Endorst Viz.

By the lower house of Assembly

July 29th 1721

The within bill being read and All parties Concerned Ap-
pearing in this house the heirs at Law of the said John Bozman
as also M^r Merrick Ellis who is Somewhat Interested therein
make no Objections ag^t passing this bill but are willing and
Consent that the same should pass Whereupon this bill will
pass Nemine Contradicente

Signed p Order M Jenifer Cl Lo Ho.

U. H. J. M^r Crabb and M^r Clayton from the lower House Deliver
to his Honour the Gov^r An Engrossed Bill to Limitt the Con-
tinuance of Actions in Severall Courts within this Province
And Ascertainig the manner of takeing the Evidence of
p. 59 Sea faring men And Granting Appeals from the Chancery
Co^{rt} to the Governour and Councill To Which is thus Written
Viz.

July the 29th 1721.

Read and Assented to by the lower house of Assembly and
Signed p order M: Jenifer Cl. Lo. ho.

A bill Impowering the Justices of Prince Georges County
to Levy twelve pounds of Tob^o p poll on all Taxables within
the said County for the finishing their Court house And build-
ing a publick prison for the Use of the said County being read
is Ordered to be thus Endorst Viz.

By the Upper house of Assembly

July the 29th 1721

The within bill being read will pass

Signed p order Joh Beale Cl. Upp^r house

This House Adjourns untill one a Clock in the Afternoon

Post Meridiem

The House meet according to Adjournment

Present

Col. Holland Col. Addison Esq^r Lloyd
Col Tilghman and Col Ward

The House Adjourns untill Monday Morn Eight a Clock.

Monday Morning July the 31st 1721.

The house meet according to Adjournment

Present

His Honour Cha: Calvert Esq^r Gov^r

p. 60 Col William Holland Col Tho^s Addison
Col Richard Tilghman Col Matt Tilghman Ward
Thomas Bordley Esq^r and James Bowles Esq^r

The bill Impowering the Justices of Prince Georges County
to Levy twelve pounds of Tob^o p poll on all Taxables within

the said County &c. read and past on Saturday Sent to the U. H. J. Lower house by Coll. Addison Who returns and Sayes he Delivered the Same

M^r Tyler and M^r Smith from the Lower house Deliver his Honour the Gov^r an Ingrossed Supplementary bill to the Act for Stay of Execution after the tenth day of May yearly to which is thus Written

July the 31st 1721

Read and Assented to by the lower house of Assembly
Signed p Order M: Jenifer Cl. Lo. Ho.

The following Message prepared & Agreed upon

By the Upper House of Assembly

July 31st 1721

Gentlemen: As by Your Answer to our first Message relateing to the Militia Law we in our Reply Shewed you ^{p. 61} Wherein you had misapprehended us So are We now under the Like Obligation of Observing to you that by your Message of the 28th Instant Wherein you Say you are Still of the Same Opinion We have reason to Doubt you are under the Same Misapprehension as before And Therefore we think ourselves Obliged againe to Acquaint you that we do not propose a new Punishment by a new Act, but a new Act to render the Execution & infliction of the old Law and Punishment practicable if notwithstanding this you still persist in your Opinion We shall content ourselves with having Discharged our Duties herein and leave the Consequences at your doore

Signed p order Joh Beale Cl. Up. ho.

Sent to the lower house by Col Ward & Esq^r Bordley Who return and Say they Delivered the Same

The house Adjourns untill one a Clock in the Afternoon

Post Meridiem

The house meet according to Adjournment

Present

Col Holland	Esq ^r Lloyd	Col Tilghman
Col Ward	Esq ^r Bordley &	Esq ^r Bowles

Esq^r Rousby and M^r Lloyd from the Lower House Deliver Col Holland a Letter Directed to their House from the Hon- ^{p. 62} ourable Samuell Young Esq^r Treasurer of the Western Shore

U. H. J. with his Sev^l Publick Accounts Which Letter is thus Endorsed

By the lower house of Assembly

July the 31st 1721

May It please Your Honours

The within is recommended to Your honours and we Desire you would be pleased to Joyn with us in such Proper methods for the disposing thereof to the severall Counties As to Your hon^{rs} shall seeme meet and desire you'l return the Acc^{ts} After perusal to us, to be Entered in our Journall of the Committee of Accounts

Signed p order M: Jenifer Cl. Lo. Ho.

M^r Tyler and Cap^t Mariartee from the lower house Deliver Col Holland these two following Ingrost Bills Viz.

A Bill to Confirm the lands Devised by Robert Anderson of Prince Georges County deced unto his three Sons Robert Anderson, Cuthbert Anderson and James Anderson in fee Simple to them and their heirs and Assignes for Ever

To which is thus written Viz.

July the 31st 1721

Read and Assented to by the lower house of Assembly

Signed p Order M Jenifer Cl. Lo. Ho.

p. 63 A Bill Impowering the Justices of Prince Georges County to Levy twelve pounds of Tobacco p poll on all Taxables within the said County for the finishing their Court House and building a publick prison for the use of the said County, to which is thus written Viz.

July the 31st 1721

Read and Assented to by the lower house of Assembly and

Signed p Order Mic. Jenifer Cl. Lower house

The Account of John Talbott Merch^t for his Expences on the Countrey's Service at Annapolis for himselfe and Two Men and three horses three days & two nights and three ferriages &c. being read is ordered to be thus Endorst Viz.

By the Upper house of Assembly

July the 31st 1721

Gentlemen. Whereas the within John Talbott was Desired by the Governour and Councill to Attend at Annapolis

in Order to be sent on a Journey to Connostogo with a Mes- U. H. J.
sage from the Government to the Indians for the Countrys
Service which was prevented upon hearing from the said
Indians Yet nevertheless by occasion thereof the within Ex-
pences have Accrued We therefore referr the said John
Talbot to your House for an Allowance for the Same As
also for his own Trouble & Loss of time and for his Men and
horses

p. 64

Signed p Ord^r Joh Beale Cl Up house

Sent by Esq^r Bowles to the Lower house Who returns and
Says he has Delivered the Same

The house Adjourns untill to Mor Morning Eight a Clock

Tuesday mor: Aug^t the 1st 1721.

The House Meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Governour

Col Holland	Col Addison	Esq ^r Lloyd
Col Tilghman	Col Ward	Esq ^r Bordley & Esq ^r Bowles.

The Account of Francis Bowes for Entertainm^t to Severall
Indians and their Interpreters by Order of his Honour the
Governour and Councill amounting in the whole to 19: 10: 0
being read is Order'd to be thus Endorst

By the Upper house of Assembly

August the 1st 1721

Gentlemen. The Within Indians (amongst which Was
Towena a Great man of Sinequas & the King of the Tus- p. 65
keroras) for which the within Account was Charged was
Sent to the within Francis Bowes by Order of the Governour
and Councill, they the said Indians having Come to Waite
on the Governour to make a Treaty of Peace with him
towards a reconciliation of Some Differences wth Some of the
Inhabitants of Prince Georges County. Wherefore We
referr the said Bowes to your house for an Allowance of the
w^{thin} Account

Signed p order Joh Beale Cl. Up. house

M^r Hill and M^r Warfield from the lower house Deliver His
Honour the Gov^r

U. H. J. A Bill for the relief of John Connaway of Ann Arundell County a Languishing Prisoner which is thus Endorst Viz.

By the lower house of Assembly

Aug^t the 1st 1721

Read the first and Second times by Especiall Order and will pass

Signed p Order M Jenifer Cl. Lo. Ho.

The Account of Francies Bowes for the Entertainment of the Indians Sent to the lower house by Col Addison Who returnes and Sayes he Delivered the Same

M^r Tyler and M^r Jones from the Lower house deliver his Hon^r the Governour an Engrost Bill for the naturalization of
p. 66 Joseph Lazear and Gustavus Hesselius of Prince Georges County and their Children & alsoe Christian Geist of the City of Annapolis Gent. to which is thus written Viz.

August the 1st 1721

Read and Assented to by the lower house of Assembly and

Signed p Order M: Jenifer Cl. Lo. Ho.

The house Adjourns untill one a Clock in the Afternoon

Post Meridiem

The house meet According to Adjournm^t

Present

His Honour Charles Calvert Esq^r Governour

Col Holland Col Addison Esq^r Lloyd

Col Tilghman Col Ward Esq^r Bordley & Esq^r Bowles

Col. Maxwell with three Others from the lower house Deliver Col Holland the following Message Viz.

By the Low^r house of Assembly

August the 1st 1721

May It please your Honours

The Act for regulateing the Militia being to Expire next Sessions by which time if the Inconveniencies Complained of
p. 67 seeme Necessary to be redressed we shall then make the Proper Provisions ag^t them, Therefore we desire any further Debate thereon may be referred to the next Sessions

Signed p Order M: Jenifer Cl. Lo. Ho.

These five following Engrost bills Viz.

U. H. J.

A Bill to Limitt the Continuance of Actions in Sevⁿ Courts within this Province and Ascertainning the manner of takeing the Evidence of Seafareing Men And for Granting Appeals from the Chancery Court to the Governour and Councill

A Bill for reviving an Act Entituled an Act for raising a duty of three pence p hh^d on all Tobacco Exported out of this Province for the uses therein mentioned.

A Supplementary bill to the Act for staying Executions after the Tenth day of May Yearly

A Bill reviving and Continueing the Act for Ascertainning the Gauge and Tare of Tob^o hogsheads

A bill for reviving and Continuing an Act of Assembly Intituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecutions of Suits at Law. Which foregoing five Engrost bills being read are thereto Severally thus written Viz.

Aug^t the 1st 1721

Read and Assented to by the Upper house of Assembly And p. 68

Signed p ord^r Joh Beale Cl Up ho.

Which five paper bills of the Aforesaid five Engrost bills sent to the lower house by Col. Tilghman who is required to Acquaint them that the Aforesaid Engrost bills are Assented to by this House, who returns and Sayes he Delivered the Paper bills and Acquainted them Accordingly.

The bill for preventing the makeing of Trashy Tobacco and for bettering the Staple of this Province being Read a new bill is Thereupon Drawn and the following Message prepared thereto Viz.

By the Upper house of Assembly

August the 1st 1721

Gentlemen. On Consideration of the bill herewth Sent we find it would be Contrary to an Express Instruction from the Crown should Any Act be passed here to Affect the trade of Great Brittain so much as Incourageing the Hemp Manufactory in the manner you propose would, Unless it were made to take Effect at least twelve months from this time and as It is Evident the regulation of the Tobacco Manufacture amongst ourselves requires a more Speedy remedy p. 69 and is not within such Instruction we purpose that whatever You intend for the Incourageing those Manufacturies may be done by a Seperate Act Agreeable to the Instruction the Encouragement already Given We thought Sufficent Especially

U. H. J. Considering that we have been already Directed not to tack two matters of Different natures in one bill

What Alterations we recomēd in the Tobacco bill many of which are in a manner literal you will perceive by the Marks in the bill you sent up and by the bill sent you herewith which we have Caused to be new Drawn as we Propose it, to which we Desire your Concurrence

Signed p Order Joh Beale Cl Up ho.

Sent by Col Addison Esq^r Lloyd and Col Ward who return and say they Delivered the same

M^r Lloyd and M^r Lee from the lower house Deliver Col Addison A Bill for laying a fine on Pedlars and Petty Chapmen Tradeing into this Province which is thus Endorst Viz.

By the lower house of Assembly

Aug^t the 1st 1721

Read the first and Second times by Especial Order & will pass

Signed p Order M Jenifer Cl. Lo. Ho.

p. 70 M^r Hill and M^r Lloyd from the Lower House Deliver Col Holland A Bill relieving and freeing the Inhabitants of this Province and Others removing their families from any Other Countries & Collonies to Settle & Inhabite within this Province from Paying the duties and Impositions on negros for any of their Domestick Slaves Which is thus Endorst Viz.

By the lower house of Assembly

Aug^t the 1st 1721

Read the first and second times by Especiall Order and will pass

Signed p Order M: Jenifer Cl. Lo. Ho.

The house Adjourns Untill Eight a Clock to morrow morning

Wednesday morning August the 2^d

The house meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Governour

Col Holland

Col Tilghman

Col Addison

Col Ward

Esq^r Lloyd

Esq^r Bordley Esq^r Bowles.

A Bill reviving and Continueing an Act Intituled an Act U. H. J.
for regulateing of Ordinarys being read is Ordered to be thus ^{p. 71}
Endorst Viz.

By the Upper house of Assembly

Aug^t the 2^d 1721

Gentlemen. Since you do not think fitt to Come into
the Measures Proposed rather than so Usefull a regulation
of the Ordinarys should be layd Aside, We are willing to pass
the bill as It now Stands

Signed p Order Joh Beale Cl Upp^r house

Sent to the lower house by Esq^r Bowles who returns and
says he Delivered the same

The house Adjourns untill one a Clock in the Afternoon

Post Meridiem

The house meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Governour

Col Addison	Col Tilghman	Esq ^r Bordley
Esq ^r Lloyd	Col Ward	Esq ^r Bowles

A Supplementary Act to the Act for publication of Mar-
ryages &c. for the better preventing Incestous and Clan-
destine Marriages being prepared is read which is order'd to ^{p. 72}
be thus Endorst Viz.

By the Upper house of Assembly

Aug^t the 2^d 1721

Read & will pass

Signed p Order Joh Beale Cl Upp^r ho.

Sent to the lower house by Coll Addison Who returnes and
sayes he Delivered the same

Esq^r Stoddert with 13 Others from the Lower House
Deliver his Honour the Gov^r

A Bill for Preventing the makeing of Trashy Tob^o and for
the bettering the Staple of this Province which is thus En-
dorst Viz.

By the lower house of Assembly

Aug^t 2^d 1721

Read the first and second times by Especial Order and will
pass.

Signed p Order M: Jenifer Cl Lo. Ho.

U. H. J. The following Message Likewise Delivered with the last foregoing Bill Viz.

By the Lower House of Assembly

August the second 1721

p. 73 May It please your Honours

We received your Honours Message by Col Addison and two Others of the Hon^{ble} Members of your House and are Concern'd to find your Honours Declare it Contrary to an Instruction the Passing a law relateing to the Incouragement of hemp and Flax without giveing Twelve months Time 'Ere it take place Which however we hope will be no barr to the passing such a Law in England in Regard it will be at least Twelve Months 'Ere these Comodities Can be brought to any reasonable pfection So as to Effect Trade and we are the rather Induced to believe the Tobacco Law herewith Presented to your Honours Consideration will most readily meet your Approbation Since we Deviated as little as may be from the Scheme your Honours were pleased to lay before us

Signed p order Mic. Jenifer Cl Lo. house

The House Adjourns untill to Morrow morning Eight a Clock

Thursday Morning Aug^t the 3^d 1721

The house meet According to Adjournment

Present

His Honour Charles Calvert Esq ^r	Governour
Col Holland	Col Tilghman
Col Addison	Col Ward
Esq ^r Lloyd	Esq ^r Bordley Esq ^r Bowles

p. 74 These three following Engrost Bills Viz.

A Bill Impowering the Justices of Prince Georges County to Levy Twelve pounds of Tobacco p poll on all Taxables within the said County for the finishing their Courthouse & Building a Publick Prison for the Use of the said County

A Bill for the naturalization of Joseph Lazear and Gustavus Hesselius of Prince Georges County and their Children and Also Christian Geist of the City of Annapolis Gent.

A Bill to Confirm the Lands devised by Rob^t Anderson of Prince Georges County Deceased unto his three Sons Robert Anderson Cuthbert Anderson and James Anderson in fee simple to them and their heires forever

Which foregoing Bills being read are thereto severally U. H. J. thus Written Viz.

August the 3^d 1721

Read and Assented to by the Upper house of Assembly and
Signed p order Joh Beale Cl. Up. ho.

Which three Paper Bills of the aforesaid three Engrost bills sent to the Lower house by Col Tilghman who is required to Acquaint them that the aforesaid Engrost Bills are As- p. 75
sented to by this House who returnes and says he Delivered the Paper Bills and Acquainted them Accordingly

His Honour the Governour is pleased to Communicate to this house a Letter by him wrote to the Speaker of the Lower house in relation to the bill for preventing the makeing Trashy Tobacco and for the bettering the Staple of this Province

Which Letter is as follows Viz.

August the 3^d 1721

S^r

By an Instruction from the Crown I am required not to pass any Act that may Affect the trade of the Inhabitants of great Brittain Unless such Act shall be made to Commence at least Twelve months after the makeing thereof, Now as Merch^t Traders will be Obliged to Accept of Hemp and flax Instead of Tobacco it may seem to be within the Design of the said Instruction, And therefore Desire that that part of the Act proposed for the preventing the making Trashy Tob^o & for the bettering the Staple of this Province relating to flax and hemp be made to Commence Accordingly which I hope will be noe Inconvenience Considering the People of this Province Cannot make a Quantity more than to Supply their own Occasions before such time I am

S^r Your Obliged humble Servant

Charles Calvert

P. S. Let such Limitation of time have no Regard to the p. 76
Inhabitants or Officers of this Province but that They be obliged to take it here as if no such Limitacon was made.

Which bill for Preventing the makeing of Trashy Tobacco and for the bettering the Staple of this Province being read is Ordered to be thus Endorst Viz.

By the Upper house of Assembly

August the 3^d 1721

Gentlemen. This bill being read will Pass with the follow-
ing Amendm^t Viz. (with a Proviso that, that part of the Law

- U. H. J. relating to hemp and flax be not to Affect the Inhabitants of Great Brittain untill the End of Twelve Months at Least from the Passing of this Bill but that such Limitation of time have no regard to the Inhabitants or Officers of this Province but that they be Obliged to take it here as if no Such Limitation were made

Signed p Ord^r Joh Beale Cl. Up. ho.

- p. 77 Which foregoing bill with his Honour the Gov^{rs} Letter to the Speaker relating thereto sent to the lower house by Col Addison Esq^r Lloyd Col Ward & Esq^r Bordley who return and say they Delivered the same

M^r Contee & M^r Earle from the Lower house deliver his Honour the Governour A Supplementary bill to the Act for Publication of Marryages &c^a for the better preventing incestuous & Clandestine marriages To which is thus Endorsed Viz.

By the Lower house of Assembly

August the 3^d 1721

May It Please your Honours

- Having duely Considered and fully Debated the reasons in the within bill we cannot consent to the Passing thereof in regard we Conceive the Law now in force Sufficiently Provides against the Evills Complained of there being but one Instance to the Contrary fresh in our memorys. And we are humbly of Opinion the Business of the Legislature is rather Intended to punish Crimes frequently Comitted than to make laws upon one such Transgression which may not again happen in many Ages here And we are fearfull the Difficulties laid down in the wthin bill are left more Insuperable than the
- p. 78 Evills It Designed to prevent

Signed p Ord^r M. Jenifer Cl. Lo. ho.

The following Message Considered and Agreed upon Viz.

By the Upper house of Assembly

Aug^t the 3^d 1721

Gentlemen. We recomend to you when the Stadt house is shingled that there be a small Cupiloe or Turrett built thereon for the Conveniency of hoisting a flagg on Publick occasions, the Present method used by hoisting it upon a Pole stuck up in the open field being rather a ridiculous than a Decent Ornament to the Publick and we take the Liberty of Assuring you that some Remarks that have been made that

the former Cupiloe and flagg Staffe made the house leaky ^{U. H. J.}
have been groundless for that after the Repaire of it a Little
before the fire It was perfectly Tight And we are of Opinion
may be Easily made so againe

We also Observe that the Sume you mention for an Engine
and Bucketts is too small and rather Propose that you send for
a good fire Ingine to work with four hands to be made to play
with a Brass Spoute only (without leather Trunks) And
three Dozen Good Strong Leather Bucketts And then there ^{p. 79}
can be no Danger of having a bad Engine Bought by the
Restraint of a Price

Signed p Order John Beale Cl. Up. ho.

Sent to the Low^r house by Col Ward who returnes and
sayes he Delivered the same

The bill for the Relief of John Connaway of Ann Arundell
County a Languishing Prisoner being read is Order'd to be
thus Endorst Viz.

By the Upp^r house of Assembly.

August the 3^d 1721

This bill being read will pass

Signed p order Joh Beale Cl. Up^r house

Sent to the Lower house by Esq^r Bowles who returns and
says he delivered the same

The bill for laying a fine on Pedlars and petty Chapmen
Tradeing into this Province being read is Order'd to be thus
Endorsed Viz.

By the Upper house of Assembly

August 3^d 1721

Gentlemen. On reading this bill it is the opinion of this
house that it is no proper time to Discourage the Importation
of any Merchandize into this Province and that the Evil ^{p. 80}
thereof might be Greater than that Proposed to be remedied
by the Bill Wherefore it will not pass

Signed p Order Joh Beale Cl. Up. house

Sent to the lower house by Col Tilghman Who returns and
sayes he Delivered the same

The house Adjourns untill one a Clock in the Afternoon

U. H. J.

Post Meridiem

The House meet according to Adjournm^t

Present

Col Holland	Esq ^r Lloyd	Col Ward
Col Addison	Col Tilghman	Esq ^r Bordley & Esq ^r Bowles

The petition of the Scotch Prisoners taken at Preston in Lancashire in England Whose names are hereto Subscribed for and on the behalfe of themselves, And the rest of their Countrymen transported into this Province for their Release-ment and Discharge from all and all manner of Service & Servitude having served near five years &c^a Signed by the Severall persons following Viz.

p. 81

John Sinklor	his
Abraham Low	John + M ^e Bean
his	mark
Patrick + Cooper	Alex ^r Rind
mark	his
his	James + Hill
George T Thompson	mark
mark	his
John Ramsey	Rob ^t H Hynderson
his	mark
Leonard + O Robinson	
mark	

Being read and fully Considered of is order'd to be thus Endorst Viz.

By the Upper house of Assembly

Aug^t the 3^d 1721

The Pet^{rs} having Embraced his Majestys favour are to Serve According to the Cond^{ns} of their Transportation Which by his Maj^{ty}s Commands was signified by the late Secretary of State to be, that they should serve seven years.

Signed p Order Joh Beale Cl Upp^r ho.

And Order'd that notes be writ by the Cl of this house to the Masters of the Severall Servants aforesaid that shall require the same as follows Viz.

By the Upp^r house of Assembly

Aug^t the 3^d 1721

Your Serv^t has been this day before this house with Severall to make Application by Way of Pet^o for his Freedome which

is rejected, but by Ord^r of this house I hereby give you notice ^{U. H. J.} that you are Expected not to treat your said Servant Ill, for his Absence on this Occasion it being the Righte of all persons to Apply for Justice that thinks themselves Agrieved

Signed p ord^r Joh Beale Cl. Up. ho.

The Bill relieving and freeing the Inhabitants of this ^{p. 82} Province and Others Removing their families from any other Countrys and Collonies to settle and Inhabite within this Province from paying the Duties and Impositions on negroes for any of their Domestick Slaves.

Being read is Order'd to be thus Endorst Viz.

By the Up^r house of Assembly

Aug^t the 3^d 1721

This bill being read will pass.

Signed p Ord^r Joh. Beale Cl Up^r ho:

Sent to the Lower House by Col Addison who returns & says he Delivered the Same

The Bill investing an Estate of Inheritance in ffee simple of 1200 Acres part of a tract of Land Called New Munster Lying on Elk River in Cecill County in Richard Thatcher of Cecill County to him and his heirs and Assigns for ever And three hundred Acres more part of the said Tract of Land called New Munster in Peter Massey and Sarah his Wife to them & their Heirs for Ever being read is Ordered to be thus Endorst Viz.

By the Upper House of Assembly

p. 83

Aug^t the 3^d 1721

Gentlemen. We have heard both parties for and against the within bill and heard and Considered sundry matters of Evidence in relation thereto and have Great reason to believe that the Act Entituled an Act Impowering Robert Roberts of Queen Ann's County to sell parte of a tract of Land Lying in Cecill County Called New Munster late of the Land of Daniell Toaes for the uses therein mentioned And to make good and Valid such Sale formerly Obtained by Robert Roberts for the Sale of Daniell Toaes's Land Called New Munster was Obtained by Ill Practice and upon false Suggestions but we are Likewise of Opinion that a great regard ought to be had to the Purchasors for valuable Considerations without notice of the present Dispute under the Same Act for that the Publick Faith & Justice of the Countrey are Deeply Concern'd therein and Therefore we referr the passing the within bill untill the next Sessions by which time we propose to Enquire

- U. H. J. whether there be sufficient of the said Land to Satisfie the Demands of Thatcher and Massey that remaine unsold by Virtue of the said first Private Act And alsoe to Enquire into the Conduct of the persons Concernd in the Carrying on
p. 84 and Obtaining the said first mentioned bill and in ord^r thereto We have resolvd that orders from this house doe Issue for such persons as the Parties shall require and that Thatcher Continue in possession until the next Sessions According to the former Ord^r and that the Severall Depositions & Evidences Offerd Concerning the same be Lodged and Journal'd in the Proceedings of this house at the End of the Journall
Signed p Ord^r Joh Beale Cl. Up. ho.

Sent to the Lower house with Severall pet^{os} thereto relating by Coll Ward Who returnes and says he Delivered the same

M^r Dashiell and M^r Clayton from the Lower house Deliver Col Holland,

A Bill for Encouragement of Tillage & relief of poor Debtors which is thus Endorsed Viz.

By the Low^r house of Assembly

Aug^t the 3^d 1721

Read the first and Second times by Especiall Order and will pass

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

- M^r Tasker and M^r Waughop from the Lower House Deliver to Col Holland An Ingrossed bill Intituled an Act reviving and Continuing An Act Intituled An Act for Regulateing
p. 85 of Ordinaries to which was thus Written Viz.

Aug^t the 3^d 1721

Read and Assented to by the Lower House of Assembly

Signed p ord^r M: Jenifer Cl. Lo. Ho.

The house Adjourns untill to morrow Morning Eight a Clock

Friday morning Aug^t 4th 1721

The house meet According to Adjournment

Present

His Honour Charles Calvert Esq^r Gov^r

Col. Holland, Coll. Addison Esq^r Lloyd Col Tilghman Col. Ward Esq^r Bordley Esq^r Bowles

M^r Hill with three Others from the Lower house deliver his U. H. J. Honour the Gov^r, The Journall of the Committee of Accounts which is thus Endorsed viz:

August the 4th 1721

Read and Assented to by the Lower house of Assembly &
Signed p Ord^r Mic: Jenifer Cl. lo. Ho.

The Petition of John Smith of Dor: County & Robert Tivis of Ann Arundell County praying that they may be sold to pay their Just Debts rather Than to be Confined in Prison &c^a being read is Ordered to be thus Endorst Viz.

p. 86

By the Upper House of Assembly

Aug^t the 4th 1721

Gentlemen. The within Petition being read and Considered off, It is recomended to your house that such persons who had rather Deliver up all that they have in the World And be sold for the remainder of their Debts than Lye in Goale that there be a Generall Law Impowering the Severall Justices of the County Courts upon such Application to them made to Sell such persons so Applying and Delivering up all they have for what Terme they shall agree not Exceeding seven years

Signed p Ord^r Joh Beale Cl. Up. ho.

James Stoddert Esq^r wth seven Others from the lower house Deliver his Hon^r the Gov^r An Ingrost Bill for preventing the makeing of Trashy Tobacco And for the bettering the Staple of this Province to which is thus Written

August the 4th 1721

Read and Assented to by the Lower House of Assembly
And

Signed p ord^r Mic. Jenifer Cl. Lo. ho.

The Petition of John Smith and Robert Tivis sent to the Lower house by Esq^r Bowles who returnes and sayes he p. 87 Delivered the same

M^r Tyler and M^r Earl from the Lower house Deliver to his Honour the Governour the following Message with other papers thereto relateing Viz.

By the low^r house of Assembly

Aug^t 4th 1721

May it Please your Honours

We have received your Honours Message to us with Copy

U. H. J. of the Severall Instructions to W^m Burnett Esq^r Governour of New York first Sent from his Sacred Majesty King William & since remitted to our Governour by Governour Burnett in which we find a Quota proposed on our part of £650 Sterl: and upon Examination of and inspection into our Journalls Anno 170½ We find this Country Address his then Majesty on that Affair in which Address was mentioned Severall of those reasons against our raising any Supplies on that Occasion w^{ch} we hope weighed with his then Majesty, and will Likewise weigh with his Present Majesty or any his Ministers he shall be pleased to Appoint for the Consideration thereof the reasons therein given being so obvious that with what further Consideracons may be justly Added thereto we Can-
 p. 88 not doubt but that as a Renewm^t of that Demand has been hitherto forborn we shall be Excused from it for the future

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

M^r Smith and M^r Clayton from the lower house Deliver to his Honour the Governour the two following Ingrosed bills
 Viz.

A Bill for the relief of John Connaway of Ann^l County a Languishing Prisoner to which is thus Written Viz.

Aug^t the 4th 1721

Read and Assented to by the lower house of Assembly And

Signed p ord^r M: Jenifer Cl. Lo. Ho.

A Bill relieving and freeing the Inhabitants of this Province and others removeing their Families from any Other Countries or Collonies to Settle and Inhabitt within this Province from paying the Duties and Impositions on negroes for any of their Domestick Slaves to which is thus Written
 Viz.

August the 4th 1721

Read and Assented to by the lower house of Assembly and

Signed p Ord^r M: Jenifer Cl. Lo. ho.

Col Woolford and M^r Dashiell from the Lower house Deliver to his Honour the Governour the following Message
 Viz.

By the Lower House of Assembly

Aug^t 4th 1721

p. 89 May It Please your Honours

This House have Entred a resolve to Allow the Severall members and Officers thereof for the severall Days Attend-

ance more than Allowed in the Journall of the Comittee of U. H. J.
Accounts due to them in Tobacco at the rate of Ten Shillings
Current money p hundred And desire to know whether your
Honours will Agree that the Same Allowances be Also made to
the Severall Members & Officers of your house

Signed p Ord^r M: Jenifer Cl. Lo. ho.

The house Adjourns untill One a Clock in the Afternoon

Post Meridiem

The House meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Gov^r

Col Holland	Col Addison	Col Ward
John Hall Esq ^r	Esq ^r Lloyd	Esq ^r Bowles

The Bill for Encouragement of Tillage & relief of poor
Debtors being read is ordered to be thus Endorst Viz.

By the Upper house of Assembly

Aug^t the 4th 1721

Gentlemen. On reading the within bill we are of Opinion
that the laws already made do Sufficiently provide for the p. 90
Encouragem^t of Tillage and relief of poor Debtors so farr as
is Consistant with Justice Wherefore we Cannot Consent to
pass this bill

Signed p Ord^r Joh Beale Cl. Up. ho.

Sent to the lower house by Esq^r Lloyd who returnes and
sayes he Delivered the same

The bill for Explaining & Confirming the last will and
Testament of W^m Bozman of Somersett County Deceased
being read is ordered to be Endorst And the same bill Annext
as follows Viz.

By the Upp^r house of Assembly

August the 4th 1721

Gentlemen. On reading the Annexed bill & hearing the
Evidences thereon we Esteeme it a thing of most Dangerous
Consequences to Admitt any Evidence to Alter the Effect of
a will made so many years since and besides the Evidence
produced us on this Occasion is so short that we Can lay no
weight upon it but on perusal of the words of the Will we
are Clearly of opinion that the Devisor has Sufficiently Ex-

U. H. J. plaind his Intentions to Devise a Tenancy in Common in fee
p. 91 simple to the Devisees on the Condicons in the Will mention'd for that the word Inherit can Only relate to an Inheritance and shall by Implication as well Extend to the Immediate Devisees as to those that are to take by Survivorship on Condition And that therefore tis plain that what the Devisor intended by words of Devise to the Devisees was an Inheritance w^{ch} must be a fee and therefore to avoid making a Law for the relief of a Person that seems allready relievable by the Laws in force And the more Strictly to Conform to the Directions in his Lordships Speech we reject the bill and referr the Parties Petitioning for it to the Common Law for their Relief.

Signed p Ord^r Joh Beale Cl. Upper house

Sent to the lower house with a petition thereto relateing by Col: Addison Who returnes and sayes he Delivered the same

The following Message Considered & Agreed on Viz.

By the Upper house of Assembly

Aug^t the 4th 1721

Gent. We Approve of your proposals as to the Severall allowances to be made in money

Signed p Ord^r Joh Beale Cl Up^r ho.

Sent to the lower house by Col Ward who returns and says he Delivered the same

The four following Ingrost bills Viz.

A Bill for preventing the makeing of trashy Tobacco and
p. 92 for the bettering the Staple of this Province

A Bill relieving and freeing the Inhabitants of this Province and Others removeing their ffamilys from Any other Countries or Collonies to Settle and Inhabitt within this Province from paying the Duties & Impositions on negroes for any of their Domestick Slaves

A Bill reviving and Continueing an Act Intituled an Act for Regulateing of Ordinaries

A Bill for the relief of John Connaway of Ann Arundell County a Languishing Prisoner

To which foregoing four Ingrost bills are thereto severally thus Written Viz.

August the 4th 1721

Read and Assented to by the Upper house of Assembly and

Signed p ord^r Joh Beale Cl Up^r ho.

Which four paper Bills of the af^d four Engrost bills Sent U. H. J. to the Lower House by Esq^r Bowles who is required to Acquaint them that the aforesaid Engrost bills are Assented to by this house who returnes and says he delivered the Paper ^{p. 93} Bills and Acquainted them accordingly

M^r Smith and M^r Dashiell from the Lower house Deliver his Honour the Governour the following Message Viz

By the lower house of Assembly

August the 4th 1721

May It Please your Honours

This house haveing taken into their Consideration the Continuall Charge we have been at in Employing an Agent and further weighing the small Commodity and Advantage (if Any) we Ever reaped thereby And altho during the Government being under the Crown the Difficulty of Access to the Kings Majesty might give Just occasion to Employ some Person to negotiate for us our Affaires Yet now being well Assured how Easy Access Every Person may have to his Lordship And Consequently without any difficulty this Legislature may Convey their Thoughts from time to time to his Lordship as the Emergency of Affairs may require which motives hath Induced this branch of the Legislature to Incline to be no longer at the Expence of an Agent which we thought fitt to Signifie to your Honours and pray your Concurrence with these our Sentiments

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

M^r Tasker and M^r Earle from the lower house Deliver to his Honour the Governour,

A Bill Empowering a Comittee to lay Assess and Apportion the publick Levey for this present year one thousand seven hundred & Twenty One, which was thus Endorsed Viz.

By the Lower House of Assembly

August the 4th 1721

Read the first and second times by Especiall Ord^r and will ^{p. 94} pass.

Signed p Order Mic. Jenifer Cl. Lo. Ho.

A Bill Empowering a Comittee to lay Assess and apportion the Publick Levy for this Present year One thousand Seven

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U. H. J. Hundred and Twenty one being read is ordered to be thus
Endorst Viz.

By the Up^r house of Assembly

Aug^t the 4th 1721

This bill being read will pass

Signed p Ord^r Joh Beale Cl Up ho.

Sent to the lower house by Coll. Addison who returns and
says he Delivered the same

The following Message Considered and Agreed on Viz.

By the Upper House of Assembly

Aug^t the 4th 1721

Gentlemen. Forasmuch as his Lordship in his Speech to
both houses hath been pleased to Demonstrate the Great
regard he hath to the request of, as well as Great Considera-
tion in the prudence of his Lower house of Assembly by Give-
ing you an Oppertunity at your own Choyce to make the
Proper addition to his Officers ffees, Rather than by Interpos-
ing his own Authority in the Case by Dissenting to an Act
which will necessarily subject the Good People of this Prov-
ince to the unlimited Demands of his Officers now seeing
that in the whole Course of the proceedings of this Sessions
you have not thought fitt to take any notice of that part of
p 95 his Lordships Speech in relation to that Act for limitting
Officers fees,

We therefore recommend it to your serious Considerations
that the makeing the Additions proposed according to the
former Acts may be much more for the Interest of this Prov-
ince than by Slighting his Lordships kind Condescention to
bring on a Dissent to that Act as seems hinted to us.

Signed p Order Joh Beale Cl. Up. Ho.

Sent to the lower house by Esq^r Bowles who returns & says
he Delivered the same

The following Message Considered & Agreed upon Viz.

By the Upper house of Assembly

Aug^t the 4th 1721

Gentlemen. We find by your Message of the Twenty
Eighth of July amongst Other things therein that your house
Came to a resolve to bring in a bill to Disable any Person
from keeping Publick houses in the City of Annapolis and
Oxford unless they build brick Chimneys in the space of
Eighteen months as well as at Upper Malbrough but we find

no bill brought from your house pursuant to the said Resolve U. H. J.
wherefore we Desire to know what you have done therein

Signed p Order Joh Beale Clk Upper house

M^r Benson and M^r Contee Deliver his Honour the Governour an Engrost Bill Impowering a Comittee to lay Assess^{p. 96}
and Apportion the Publick Levy for this present year One
Thousand Seven hundred and Twenty one which is thereto
thus written Viz.

August the 4th 1721

Read and Assented to by the lower house of Assembly and

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

Col Woolford and Col Harman from the lower house Deliver his Honour the Governour the following Message Viz.

By the low^r house of Assembly

August the 4th 1721

May It please your Honours

In answer to the Message of M^r Bowles relateing to Officers fees we take leave to Acquaint you that this house in their humble Address to his Lordship of this day have fully Aprized his Lordship of The reasons Induceing us to make no Addition to the late regulation which we are perswaded will be Satisfactory to his Lordship of whose wisdom and Goodness we have had such ample Assurances as perswades us to believe his Lordship will never be Induced to lay greater Burthens on his faithfull Tenants than their Circumstances will bear

Signed p order M Jenifer Cl. Lo. ho.

The foregoing Message relateing to the building of Brick^{p. 97}
Chimneys in the City of Annapolis Oxford and Upper Malbrough Sent to the Lower House by Col Ward who returns and sayes he Delivered the same

The Engrost Bill Empowering a Comittee to Lay Assess and Apportion the publick Levy for this Present year one thousand seven hundred & twenty one, being read is thereto thus Written Viz.

August the 4th 1721

Read and Assented to by the Upper House of Assembly

Signed p order Joh Beale Cl. Up. ho.

Which paper bill of the aforesaid Engrost Bill Sent to the Lower House by Esq^r Lloyd who is requir'd to Acquaint them that the aforesaid Engrost bill is Assented to by this House

U. H. J. Who returns and says he Delivered the Paper Bill and Acquainted them Accordingly

This house Adjourns untill to Morrow morning Eight a Clock

Saturday Morning Aug^t the 5th 1721.

This house meet according to Adjournment

Present

His Honour Charles Calvert Esq^r Gov^r

Col Holland Col Tilghman

Esq^r Hall Col Ward & Esq^r Bowles

Col Addison Esq^r Bordley

p. 98 Mr. Benson and M^r Clayton from the Lower house Deliver to his Hon^r the Gov^r the following Message.

By the Lower House of Assembly

Aug^t the 5th 1721

May It Please your Honours

In answer to your Message of the Third Instant by Col Ward M^r Jn^o Caldwell is willing for 150 ^lsterling to undertake the work therein Mentioned Viz. to new shingle the Stadt house from the Eaves upwards and to make Dormant Windows like those of the Magazine house to lay a Good Platform of Cypress Plank and build an handsome Cupiloe of Six Squares with Banisters And a good Flag Staff and to find all neccessaries for himself and Labourers and Building (Lead Glass and Nailes Excepted) with which Proposall if your Honours Concurr We Desire that one of your house may be Joyned with two of our members that a small Agreement may be made thereon

Signed p Ord^r M: Jenifer Cl Lo Ho.

M^r Lee and M^r Benson from the Lower house Deliver to his Honour the Gov^r the following Message Viz.

By the Lower House of Assembly

August the 5th 1721

p. 99 May It Please your Honours

In answer to your Message of yesterday by Col Ward for bringing in a bill to Disable psons from keeping Ordinaryes at Annapolis Oxford and Malbrough without building Brick Chimneys to their houses this house finding many Incon-

veniencies to Attend such a bill at present have referred the U. H. J. further Consideracon thereof till next Sessions

Signed p ord^r M: Jenifer Cl. Lo. ho.

The following Message prepared, Considered of & Agreed upon Viz.

By the Upper house of Assembly, Aug^t the 5th 1721

Gentlemen. In answer to your Message of Yesterday by M^r Smith and M^r Dashiell it may not be unseasonable to put you in Mind of the Practice of all our neighbouring Governments who without doubt find their Account in Employing Agents, as well to represent upon every Turn the Wants and Conveniencies of Each Colony as to obviate what may be proposed to the prejudice thereof, we are Sorry to find that any of the members of your house have so mean an opinion of Col Blakiston's Conduct as to make it a Question whether or no it hath been of any Advantage to this Province we are well Assured that he hath been indefatigable in the Service thereof by Employing his Good Offices at Court as well as with my Lord Proprietary upon all Occasions wherein the Generall Good of this Province (to which he Declares himself at all times to be strictly attached) hath at any time been brought into Dispute A Gentlⁿ of Good Interest at Court & in Parliament too, Seems the more necessary to us at this time that by Uniting his Interest to that of our Lord Proprietary we may hope for Success in the negotiation of all such Publick Affairs as relate Imediately or more remotely to the Interest and Trade of this Province, we have no manner of Inclination to Burthen our Country with unnecessary Expence but We take it to be a Duty Incumbent on us to Advise the makeing Provision Against Every unforeseen Emergency which may happen in England And may for want of proper remedies and Applications be of fatall Consequences to the Weal of this Province All which Considered we are of Opinion that the Continuance of an Agent will very much Conduce to the Publick Good and we are farther of Opinion that Col Blakiston who is so particularly Acquainted with the Interest & Circumstances thereof is the properest Person to be Employed in the negotiation of the Affaires of this Province as they may regard Either the Court the Parliament or our Lord Proprietary himself for Altho we are of the same Sentiments wth you in Depending upon a very Easy and free Access to his Lordships Person & favour yet the necessity remaining as before of a proper person to assist his Lordship

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U. H. J. upon Every Emergency that respects the Common good we therefore propose the Continuance of A Gentleman of such worth in the Agency and desire your Concurrence therein

Signed p order Joh Beale Cl Upper house

Sent to the Lower house by Esq^r Hall and Coll Addison who return and say they Delivered the same

Esq^r Stoddert from the Lower house with three others Deliver his Honour the Governour the following Message Viz.

By the lower house of Assembly

Aug^t the 5th 1721

May It Please your Honours

This house have fully weighed the reasons for and ag^t the Continuing an Agent & must frankly Declare their Sentiments that instead of receiving any Advantage thereby this Province has been at a fruitless Expence of near two Thousand Pounds mony paid at Sundry times to the said Agent besides the Charge the Country has been further Put to in their Debates occasion'd by that means Neither are We Apprizd of any Proprys Governm^t haveing Employed
p. 102 an Agent Save this for which reasons We Continue in our first Resolve

Signed p Ord^r M. Jenifer Cl. Lo. Ho.

The following Message Considered and agreed upon Viz.

By the Upper House of Assembly

Aug^t the 5th 1721

Gentl. We Agree with your Proposals in your Message of this day by M^r Benson and M^r Clayton in relation to the repair of the Stadt House And do Joyne the Honble Phil. Lloyd Esq^r of our house with Two memb^{rs} of yours to Compleat the Agreement with M^r John Caldwell as in yours desired

Signed p Ord^r Joh Beale Clk Up. ho.

Sent to the Lower house by Col Tilghman who returns and says he delivered the same

The House Adjourns untill One of the Clock in the Afternoon

Post Meridiem

U. H. J.

The House meett according to Adjournment

Present

His Honour Charles Calvert Esq^r Governour

Col Holland Col Tilghman

Esq^r Hall Col Ward & Esq^r Bowles

Esq^r Lloyd Esq^r Bordley

The following Message prepared Considered of & Agreed p. 103
upon Viz.

By the Upp^r house of Assembly

August the 5th 1721

Gent. Whatever motives have Induced your house to lay aside our Agent we think it Highly reasonable that you should have Communicated the same to us, who as ffrankly declare our Surprize that you should now depreciate the Services of a Gentleman w^{ch} by the Journalls of both Houses Appears to have been not only very agreeable but very advantageous to this Province We must take the Liberty further to remind you of the Extraordinaryness of your Proceedure in Computeing the Sume of the Expence without putting any price upon the Services done We need not Enter into a particular detail thereof, the resolves of your own house will Clear up that point We are no less Surprized that you should Come to so hasty a Resolution at a time that the New York Papers Communicated to you this Sessions makes it so necessary to have a Gentl of his known Integrity & Interest at Court to negotiate an Affaire of such Consequence the very reason for which he was at first Appointed And w^{ch} in our opinion is not limited to the Sum required at Present but may Subject us to further Demands of the like nature

These things Considered we once more move the Continuance of Col Blakiston in his Agency & Desire your Concurrency therein

Signed p Ord^r John Beale Cl Upper house

Sent by Col Ward and Esq^r Bordley to the Lower house who return & Say they Delivered the same

The following Message prepared and Considered of and Agreed Upon.

By the Upper house of Assembly

p. 104

August the 5th 1721

Gent. We observe in your Message of the 4th Instant by Col Woolford & Col Herman that you Acquaint us you have

U. H. J. by your Address to his Lordship fully Apprised his Lordship of the reasons inducing you to make no Addition to the late regulation of Officers fees we should think it would have been somewhat Agreeable to a Parliamentary Course of Proceeding and we should have taken it kindly if you had Acquainted us with those reasons that we might have had the Oppertunity of Joyning with you in them if Approved or Shewing you our Sentiments thereon if Otherwise, And Also in Concurring with you in such Other parts of your Adresse as should be found necessary for the Common Good we Esteeming ourselves as much Concern'd in all Publick Acts for the Welfare of the Country as you are And we are sorry to Observe we find it sometimes necessary to put you in mind of it. We Desire the result of your Consideration on this Affaire.

Signed p Order Joh Beale Cl Up ho.

Sent to the Lower house by Esq^r Bowles who returns & Says he Delivered the same

The two following Messages Considered of and Agreed on Viz.

p. 105

By the Upper house of Assembly

Aug^t the 5th 1721

Gentlemen. The Nanticoke & Choptank Indians haveing Complained of some Incroachments being made by some of the Inhabitants of Dorchester County within the bounds of their Lands (as they Conceive) and pray redress from the Government; upon Inspecting the Law w^{ch} Enables the Gov^r to Grant Commissions for Determining Disputes with Indians there seemes to be some Doubt we therefore think it necessary to Declare our opinions that it may be well Lawfull for the Governour to grant such Com^{rs} by Virtue of the Act now in force to which we Desire your Concurrence

Signed p Ord^r Joh Beale Cl. Up. ho.

By the Upper house of Assembly

August the 5th 1721

Gentlemen. Our Clerk Acquaints us that the Clerk of your House Informs him You refuse him Paper for the Writeing the Proclamations Ordered by his Honour the Governour with the Advice of the Councill for want of which he Cannot get them ready to send to severall Counties from this Assembly We therefore Desire you to Ord^r your Clerk to Lodge such Quantity of the publick paper with the Clerk of this

house as may be necessary for the Carrying on the business U. H. J.
of the Publick that no Delay be suffered for want thereof

Signed p Ord^r Jⁿ^o Beale Cl. Up. ho.

Which Foregoing two Messages are Sent to the lower p 106
house by Esq^r Hall who returnes & says he Delivered the
same.

M^r Tyler with three Others from the lower house, Deliver
to his Honour the Governour the following Message Viz.

By the lower house of Assembly

Aug^t the 5th 1721

May It Please Your Honours

We are Concerned to find the reasons Offered in our last
Message to your Hon^{rs} should not be Satisfactory but that
this should be lookt upon by your Hon^{rs} as a matter of such
Weight as to take up so much of the Countrys time And what-
ever Complements the Journalls of Each house may manifest
to have been given Col Blakiston of reall Services this house
is fully Satisfied none have been done worthy so Great a
reward, neither hath the New York Affair the least Influence
to perswade us to burthen the Country farther. We desire to
be Excused for not Esteeming it of Suff^t Weight to alter our
well grounded (as we hope) Resolutions Wherefore We pray
your Hon^{rs} to press us no farther on this Subject

Signed p Ord^r M Jenifer Cl. Lo. ho.

M^r Codd and M^r Earle from the Lower house Deliver his
Hon^r the Governour the following Message Viz.

By the Lower house of Assembly

Aug^t the 5th 1721

May It please your Hon^{rs}

This house is very much troubled that the reasons Offered
by us to his Lordship in our Address should be pressed by you
to be Communicated Whereas We Conceive Ourselves Obligated p. 107
to give them to none save his Lordship with Whome We hope
they will so farr Prevaile as to Incline his Lordship not to
Dissent to the Act for regulating Officers ffees And as your
house and this differ Chiefly about that Affair it would be
Imprudent as we think to communicate our reasons on that
head And this house believes it more Parliamentary to Offer
them Separately than Conjunctly with your Hon^{rs} And as we
humbly hope we have pressed things no farther to his Lord-

U. H. J. ship than the Country's Interest did Oblige if it should otherwise happen the sin will lye at our doors.

Signed p Order M Jenifer Cl. Lo. Ho.

The following Message Prepared Consented to and Agreed on

By the Upper House of Assembly

August the 5th. 1721

Gent^lⁿ. We are Informed by the Chancellour that you refuse to Allow him his Disbursments for the Copying of the Laws that were made last Sessions and sent home for his Lordship's Approbation And as on perusall of the Journall of Accounts We find no such Allowance therein We doubt you forgett that it is as necessary for the Publick Service that the Laws that are made here should be sent home to his Lordship and as reasonable they should be paid for as those Copies that are sent for the use of the Severall County Courts, And as this is a matter that has always hitherto been Allow'd We are sorry you should give us the trouble of a message on such an occasion and hope it is not out of any pleasure you can take in Promoting Controvercys with us but rather thrō Mistake.

Signed p Order Joh Beale Cl Up ho.

Sent to the Lower house by Esq^r Lloyd who returns and Says he delivered the same

The following message Prepared Considered of and Agreed upon Viz.

By the Upper House of Assembly

Aug^t the 5th 1721

Gent. We think you treat Col Blakiston's Conduct in such a manner as will give him too great a Provocation to turn his Affection for our Country into Resentment, but however since you have proceeded in this manner And Denyed us the Liberty of further Pressing you on that occasion we shall only desire you to allow him for his years Sallary which Ends this month And for such further time as he may reasonably have notice of his Discharge in which we may Suppose may be about three months.

Signed p order Joh Beale Cl. Up. ho.

Sent to the Lower house by Col Tilghman who returns and says he Delivered the same

The following Message Prepared, Considered and Agreed U. H. J. upon. Viz.

By the Upper house of Assembly

Aug^t the 5th 1721

Gentl. We observe to you that the Law for regulating Officers fees will Expire in May next And forasmuch as we hope there may not be Occasion for another Assembly before that time we therefore Propose to you that a short Bill be prepared for reviving of it.

Signed p Order Joh Beale Cl Up ho.

Sent to the Lower house by Col Ward who returns & Says he delivered the same

Col Woolford and M^r Tyler from the Lower House deliver his Hon^r the Governour the following Message Viz.

By the Lower House of Assembly

Aug^t the 5th 1721

May It please your Hon^{rs}

In answer to your Honours Message by Esq^r Hall we think fitt to Acquaint you that we have perused the Law relateing to differences between the English and Indians as to buying & Selling Liquors &c^a but gives no Authority to the Governour according to our Judgments to grant a Comission to Any Person or Persons to Ascertain the bounds of the Indian Lands neither do we Conceive it Can be done wthout a Short Bill being Prepared for that Purpose which we leave to your Consideration

Signed p Order M. Jenifer Cl. Lo. Ho.

Col Maxwell and Col Fendall from the Lower house Deliver his Hon^r the Governour the following Message

By the Lower House of Assembly

Aug^t the 5th. 1721

May It please your Honours

Your Message by Esq^r Lloyd This House hath Considered and Altho We are not inclined to Enter into Controversies neither are we willing to burthen the Country with an Unnecessary Charge as we take this to be the Chancellor being obliged to remitt them And no Law gives him an Allowance and its no Novelty for officers to do some Services by Vertue

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U. H. J. of their Office, as to the Copys Sent to the Severall Countys they are paid for by each respective County for whose Service they are sent as the Law directs and no Burthen to the Publick Wherefore we Cannot Consent to the Payment of the Chancellor for Transmitting such Copies to Great Brittain

Signed p Ord^r M Jenifer Cl. Lo. Ho.

Esq^r Garrett and M^r Turbutt from the Lower house Deliver his Hon^r the Governour the following Message Viz.

By the Lower house of Assembly

Aug^t the 5th 1721

May It please your Hon^{rs}

This house would be much Concerned to Incurr the Resentment of Col. Blakiston more Especially in regard We rather meritt (in our Judgment) his thanks for the reasons before Offered to your Hon^{rs} And should it happen as you are pleased to Imagine we are Satisfied the Powers of our Lord and Proprietary and his Love to his Tennants will be Able to Check it.

Col Blakistons Sallary is ordered to be paid by the Comittee for laying the Publick Levy agreeable to Your Desire

Signed p Ord^r M. Jenifer Cl. Lo. ho.

The following Message Prepared Consented to and Agreed upon Viz.

By the Upper House of Assembly

Aug^t the 5th. 1721

Gentlemen. Had you Concurred wth us in our Message by Esq^r Hall in relation to the Indians it might have saved the time of makeing an Act for that purpose But since you are of Opinion that the Laws already made do not Sufficiently give Authority to the Governour to grant a Comission to Ascertain the bounds of the Indian Lands and to decide any Difference that may Arise thereby between the English and Indians in Dorchester County we desire you will prepare a bill for that Purpose it being an Affair of the last Consequence in order to Preserve Peace wth the Indians in Generall

Signed p Order Joh Beale Cl. Up. ho.

Sent to the Lower house by Col Tilghman who returns & says he Delivered the same

Cap^t Jones and M^r Waughop from the Lower house deliver to his Hon^r the Governour the following Message Viz. U. H. J.
p. 112

By the Lower House of Assembly

August the 5th 1721

May It please your Honours

This house on due Consideracon of the law for regulateing Officers Fees do find the same perpetuall unless the Arrivall of our Lord Propy (which God grant may soon happen) should prevent it And Consequently [no] occasion of a reviving Bill therefor

Signed p order M Jenifer Cl. Lo. Ho.

M^r Benson and M^r Edmonson from the Lower House deliver his Hon^r the Governour

A Bill to Empower his Hon^r the Gov^r for the time Being to Appoint any Person or Persons whatsoever to Resurvey the Indians Lands and ascertain the bounds thereof. which is thus Endorst Viz.

By the Low^r house of Assembly

Aug^t the 5th 1721

Read the first and second times by Especiall Order and will pass

Signed p Order M Jenifer Cl. Lo. Ho.

The Address of this House to his Lordship in Answer to his Speech at the Opening this Sessions being Prepared approved of And Signed by Severall of the members of this house is ord^d to be Entred & is as follows Viz.

To the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c^a p. 113

The Humble Address of the Upper house of Assembly
of Maryland

May It please your Lordship

It is with Great Satisfaction We Observe your Lordship has been Pleased to Allow our late Addresse a favourable Acceptance And that our Sentiments in Promoting the Prosperity of our Country are Sanctioned by your Lordships Approbation.

We are fully Satisfied it is much Conducive to the happiness of our Constitution That all our Judiciall proceedings should be as Consonant to the laws of Great Brittain as the Different

- U. H. J. Circumstances of the Places will Admitt for its by these Laws we Judge and on the due Execution of them here that we Depend for Justice Except in such Cases where such different Circumstances render them Impracticable such we take the Ascertaining the bounds of Lands to be for the Reasons set forth in the Preamble of the late Act to which your Lordship has thought fitt to dissent. But since your Lordship has been pleased of your Great Goodness to Declare your readiness to
- p. 114 Confirm any Law that may Correct the Practice of our Courts of Justice in relation to Controversies of this nature and that we find such a law Absolutely Necessary in this Case we have Concluded to Consider thereof till another Sessions that we may the more Deliberately form one Agreeable to your Lordships Inclinations And for the reduceing the bounds of Lands in Dispute to such a Certainty that the owners may know an End of Suits Concerning them

We shall According to your Lordships Just and kind Intimations use our Endeavours to Discourage the Decision of Matters of Private Controversey Otherwise than by the known Establisht Laws And Confess our Parliamentary Proceedings here have sometime been too much Interrupted by such Private Disputes but begg leave with the Greatest Submission to your Lordships Opinion & all due Difference to theirs that have the honour personally to Advise your Lordship, to Declare our Sentiments that it is highly Necessary in Some Extraordinary Cases where Justice is due but Cannot Otherwise be had, That an Especiall Act should Pass Even betwixt Contending Parties, to prevent a Defect of Justice And that such Proceeding unless we much mistake is or at least of late years has been Agreeable to the Practice of the English Parliament but in Other Cases we shall neither

p. 115 Doubt your Lordships kind Endeavours nor be slack in our own that the Province may flourish in an unbyass'd Administration of the Law in the Establish'd Courts of Justice. As the Administration of Justice in the Established Courts is Essentiall to good Government whereon Liberty and Property intirely Depend And that the due Administration of Justice Depends much on the Integrity of the Officers and Ministers thereof We think the Province highly Concerned in using their Endeavours to raise such Supports as may Encourage the most Deserving Men to Act in the Discharge of the most Important Trusts: And should be glad your Lordships Sentiments and just remarks on that occasion wth what assistance we Can give thereto might be Sufficient to Possess the Delegates with a due Sense of the true State of that matter.

We Cannot Desire to be more happily Governed than by one who makes the Publick Good his rule, And as this is your Lordships resolution we rest Assured from that And our Present Governours Inclinations to answer the Ends for which you were pleased to send him, that we shall Enjoy the happy Effects of such a Government. U. H. J.

And we Assure your Lordship that we shall faithfully use our Constant Endeavours that your Lordship may be an happy Proprietary And ourselves as happy a People

To Approve ourselves Loyall Subjects to our most Gracious Sovⁿ And may it please your Lordship your Lordships faithful Tennants & most Dutiful and Obedient Servants p. 116

W^m Holland

Thomas Addison

John Hall

Philemon Lloyd

Matthew Tilghman Ward

James Bowles

Tho^s Bordley

The following Message Prepared Consented to And Agreed on Viz.

By the Upper house of Assembly

August the 5th 1721

Gentlemen. By your Answer to our Message Concerning the Chancellors Copying of the Laws We observe you have drawn your Conclusion from a Mistaken Principle for the Chancellor is not Obligated to remitt (as you are pleased to Term it) the Laws that are made to his Lordship, we take the same Publick that makes laws Ought to pay the Charge of them And this We Esteem a Necessary one since our Lord Proprietary Cannot Judge of nor Assent to them without haveing them transmitted him Which is his right to have, And we think it strange you should still Insist on this Matter nor can we Guess at the reason of it, we Desire your Calm Consideration hereon and that if you have any well Grounded reasons to alter so long Continued an Allowance you will let us know them for that as no Law Obliges any Person to do this Service Ex Officio we know no reason for it.

We desire you Likewise to Consider how you would take it in us should We Dissent to any Customary Allowances made by you on reasons Grounded as yours seem to be p. 117

Signed p order Joh Beale Cl. Up. ho.

Sent to the lower house by Col Ward who returns and Says he Delivered the same

U. H. J. The following Message Considered of & Agreed upon viz.

By the Upper house of Assembly

Aug^t the 5th 1721

Gentlemen. We find a Mistake in the Printed Copy of the Law for Officers Fees Occasion'd our Message in relation thereto and tho We find by the record thereof it will not Expire at the time we mentioned And that there is no necessity to revive it now yet you will find yourselves mistaken in its being perpetuall as you mention. We should be Glad you would Provide ag^t such Grosse mistakes in the Printing for the future

Signed p order Joh Beale Cl Up ho.

Sent to the Lower house by Esq^r Bordley who returns and says he Delivered the same

M^r Codd & M^r Larramore from the Lower house Deliver his Honour the Governour the following Message Viz.

By the Lower house of Assembly

Aug^t the 5th 1721

p. 118 May It Please your Honours

We haveing Considered your last Message p Col Ward And rather than prolong the Sessions by such Debates we have Entred an Ord^r on our Journall that the Committee for laying the Publick Levy do Allow one thousand pounds of Tobacco to the Honble William Holland Esq^r Chancel^r for Transcribing a body of laws to be sent Home

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

The bill to Impower his Honour the Gov^r for the time being to Appoint any Person or psons whatsoever to Resurvey the Indians Lands and Ascertain the bounds Thereof being read is ordered to be thus Endorst

By the Upper house of Assembly

Aug^t the 5th 1721

Gentlemen. This Bill will pass with the following Amendments Viz. (" and that such Com^{rs} as shall be so Appointed " shall be Enabled to do all things Necessary for the doing " those Indians Justice against the Trespassers And shall " have full power to Command Obedience from all Sherrs " and other persons whatever that may be necessary for the " Determining the said Difference and all Officers or Other " Persons therewith Concern'd shall have the same Allow-

“ances fees and pquisites that are Allow’d them by Law ^{U. H. J.}
“for Other Such like Services and that the Com^o Granted ^{p. 119}
“shall Continue in force for three years & no Longer but that
“the Proceedings and Determinations thereon remain Per-
“petual”) to be Added After the word Determination in the
last Side save one and that the Clause for its Continuance be
struck out.

Signed p Ord^r Joh Beale Cl Upp^r ho.

Sent to the Lower House by Col Tilghman who returns
& says he Delivered the same

The following message Prepared Consented to and Agreed
upon Viz.

By the Upp^r house of Assembly

Aug^t the 5th 1721

Gentlemen. Towena the Senequa and George King of the
Tuskaroras Came after some time to the Governour and
Councill and seemed well Disposed to peace and to make
Satisfaction for the Horse they had Shott And some other
small matters they had taken from the English men they sur-
prized but it was thought much more proper after they had
shewed their Willingness to take the burthen thereof from
them upon the publick which was Thought would seem more
Generous and be a good Way to Avoid the Squabble that might
happen on their Overrateing their Comodities & undervalue-
ing the poor mans horse which was then Accordingly prom-
ised and they very thankfully Accepted Wherefore we propose
your Agreeing to an Ord^r for the makeing Satisfaction out
of the publick at the Laying the Levy

Signed p Ord^r Joh Beale Cl. Up. house

Sent to the Lower house by Col Tilghman who returns and ^{p. 120}
says he Delivered the same

M^r Turbutt and M^r Wilmer from the Lower house Deliver
to his honour the Governour the following Engrost Bill to
Empower his Hon^r the Gov^r for the Time being to Appoint
any pson or pscns Whatsoever to Resurvey the Indian’s
Land And ascertain the bounds thereof to which was thus
Written Viz.

August the 5th 1721

Read and Assented to by the Lower house of Assembly and

Signed p Ord^r M. Jenifer Clk. Lo. ho.

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U. H. J. Which Engrossed bill being read in this house is thereto thus Written

Aug^t the 5th 1721

Read and Assented to by the Upper house of Assembly

Signed p Order Joh Beale Cl Upp^r ho.

Which paper bill of the aforesaid Engrost bill Sent to the Lower house by Col Ward who is required to Acquaint them that the aforesaid Engrost bill is Assented to by this house who returnes and Says he Delivered the Paper bill and acquainted them accordingly

Col Woolford & Col Fendal from the Lower house Deliver his Hon^r the Gov^r the following Message Viz.

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By the Lower House of Assembly

Aug^t the 5th 1721

May It Please your Hon^{rs}

We have Considered your last Message by Col^o Tilghman and have Entred an order on our Journall for the Comittee for Laying the Levy to Allow the man therein menconed for his horse and other things lost according to the Value of them

Signed p Order M Jenifer Cl. Lo. ho.

The Journall of the Comittee of Accompts being read is ordered to be thus Endorst Viz.

Aug^t the 5th 1721

Read and Assented to by the [Upper] house of Assembly and

Signed p Ord^r Joh Beale Cl. Up. ho.

Sent to the Lower house by Esq^r Bordley with the Treasurer of the Western Shores his Publick Accounts (Sent from the Lower house) who returns and says he Delivered the same

Col^o Mackall and M^r Tyler from the Lower house Acquaint his Honour the Gov^r that their house have nothing of Business before them but waits his Honour the Gov^{rs} Comands

Col Holland Sent to the Lower house to Acquaint M^r Speaker that his Honour the Gov^r requires him and the whole house to Attend him Imediately in the Councill Chamber Who returns & says he Delivered the same

p. 122

Whereupon M^r Speaker and the whole house Attend his honour the Governour and Saw the following Acts Sealed with his Lordships Greater Seal of this Province and As-

sented to by his honour the Governour, on behalf of the R^t U. H. J. Honble the Lord Propry of this Province Viz.

N^o 1. An Act for Reviving An Act Entituled An Act for raising a duty of 3^d p hhd on all Tob^o Exported out of this Province for the Uses therein Mentioned.

2. An Act for Reviveing and Continuing an Act of Assembly Intituled an Act for Relieveing the Inhabitants of this Province from some Aggrievances in psecutions of Suits at Law

3. An Act reviveing and Continuing the Act for Ascertain- ing the Gauge and Tare of tob^o hh^{ds} &c.

4. A Supplementary Act to the Act for Stay of Executions after the tenth day of May Yearly

5. An Act to Limitt the Continuance of Actions in Sev^{ll} Courts within this Province & Ascertainig the manner of takeing the Evidence of Sea faring men & for Granting Appeals from the Chancery Court to the Gov^r & Council

6. An Act for the naturalizacon of Joseph Lazeere and Gustavus Hesselius of Prince Georges County and their ^{p. 123} Children and Christian Geist of the City of Annapolis Gent.

7. An Act to Confirm the Lands Devised by Robert Anderson of Prince Georges County Deceased unto his three Sons Robert Anderson Cuthbert Anderson and James Anderson in fee Simple to them and their heirs and assigns for Ever.

8. An Act Empowering the Justices of Prince Georges County to Levy twelve pounds of tob^o p poll on all Taxables wthin the said County for the finishing the Court house and building a publick prison for the use of the said County.

9. An Act for the Preventing the makeing of trashy Tob^o & for the bettering the Staple of this Province.

10. An Act relieveing & freeing the Inhabitants of this Province & Others removeing their families from any Other Countrys or Collonys to Settle & Inhabitt within this Province from paying the Duties & Impositions on Negros for any of their Domestick Slaves

11. An Act for the reliefe of John Connaway of Ann Arundell County a Languishing Prisoner

12. An Act reviveing & Continuing an Act Intituled an Act for regulateing of Ordinaries

13. An Act Empowering a Comittee to lay Assess & Appor- tion the Publick Levy for this Present year one thousand ^{p. 124} Seven hundred and twenty one

14. An Act Empowering his Hon^r the Gov^r for the time being to Appoint any pson or psons whatsoever to Resurvey the Indians Lands & Ascertain the Bounds thereof.

U. H. J. After which his Honour the Gov^r is pleased to bespeak the Gentl of the Upper and Lower houses of Assembly as follows Viz.

Gentl of the Upper & Lower houses of Assembly.

The happy Conclusion of this Sessions fully ans^{rs} my Desires & the unanimity you have Shewn in the Dispatch of those matters I layd before you Convinces me of the regard you have for our Lord Propry, whose Interest is inseparable with that of the good People of Maryland

I must Sincerely acknowledge the Gratefull sence I have of your favours to me & shall make it my Chief study to Deserve them

I shall only add that you will in your Sev^l Countys Continue the Good harmony you have shewn here and promote every thing that may tend to the good of this Province.

It remains now Gentlemen that I Prorogue you to the last Tuesday in Oct^r next and you are required to take notice, that you are Accordingly so prorogued

Charles Calvert

p. 125 So Ends the 7th Sessions of Assembly held for this Province since his Lordship the Right Honourable Charles Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been restored to his Govern^t of this Province this 5th day of Aug^t in the 6th year of his Lordships Dominion &c. Annoq Domini 1721

Test Joh Beale Clk Up. Ho.

[The following Depositions were appended to the Proceed- U. H. J.
ings by resolution adopted August 3d. See page 166.]

The Deposition of Richard Powell of Queen Anns County in the Province of Maryland Planter Aged fifty three years or thereabouts Being a pson well known & worthy of good Credit, did by Solemn oath which he took on the Holy Evangelist of Almighty God before me the Subscriber, Solemnly declare Testifie and depose to be true as followeth.

That is to Say

That he the Deponant very well knew Jno Toas who was a liver in Kent County in the Province aforesaid About fourteen Years ago, And at the same time the Deponent Lived with the said Jno Toas, the s^d Toas ingagements being such as forced him to abscond and being willing to Save indemnified one Robert Roberts who was bound for the said Toas to Isaac Decove of West Jersie about four or five days before the said Toas's going Away, made over Diverse goods and Chattles to the said Roberts for Satisfaction for the said Debt he was bound for, to the said Decove, And to the best of the said Depon^{ts} memory, he the said Roberts had about four or five head of Cattell killed at the said Toas's Plantation before his Departure, and some of them uncutt up, at the same time, if not all, as also the said Toas let the said Roberts have all his other Living Cattell which he had on the same Plantation being above Twenty head more, and one good Working horse if not more of that Kind, As also diverse household goods but the particulars or Quantity the Deponant is not Certain. Likewise a Judgment the said Toas had against Matt. Grieves a liver in Kent County on Delaware and a Tract of Land which the said Toas had in the said County of Kent on Delaware the said Roberts was to have but by what title he knows not, and all the hoggs which was on the said Toas's Plantation, that belonged to him the said Toas, the number the Deponent does not well remember, but the said hoggs and all the above mentioned was paid the s^d Decove on Account of the said Debt above mentioned which he the said Roberts was bound for, and that the Deponant well remembers that the above mentioned Goods and Chattels land and Judgment came to more than the said Debt which Roberts was engaged for, to Isaac Decove on Account of the said Toas's debt And at the said time, the said Roberts past his

p. 128

U. H. J. Obligation for the Overplus, paid him the said Roberts by the said Toas, M^r W^m Comegys and the Deponent being present, And further sayeth not

Feb^{ry} 6th 1720

Sworn to before me Nath^l Hynson

The Deposition of Hopton Williams aged fforty years or thereabouts

The Deponent Declares that Jno Toas told him when he went out of the Country which was about fourteen or fifteen years ago, he did sell to Robert Roberts the furniture of a room Viz. Bed Curtains and Every thing that belonged to the said Bed A Dozen of Leather Chairs a looking Glass, two
p. 129 Horses and gear fitt for to work with, five and twenty head of Cattell young and old at five hundred pounds of Tob^o p Each one with another, one Kill of Bricks which had not been broke for about Eighteen pounds, and Twenty Pounds the said Robert Roberts was to pay the said Jno Toas, with his Sister as her portion. All which the said Jn^o Toas gave the said Robert Roberts for the Satisfaction of a Debt he was bound for the said Toas, the over plus being a Considerable deall of Money about Thirty or fforty pounds, to the best of the Deponents memory, for which the said Roberts gave his bond to the said Toas, and after the s^d John Toas had Absconded a year or thereabouts, he returned to the house and Plantation where he formerly dwelt, but then belonged to M^r Andrew Hamilton, the said Deponent having some business with the said Toas, went to Speak wth him at the house aforesaid Before the said Deponent came to the house heard a great noise, and as soon as he Came in Asked the said Roberts's mother what was the matter above stairs, She answered they were a quarrelling, which made the Deponent go up Directly to the room where he saw John Toas down upon the floor and Robert Roberts upon him beating him And his Sister Rachell Roberts holding the said Toas by the hair of the head, And the said Toas's Wife walking up and down the room with a Child in her Arms, the Deponent immediately parted the said Toas from Roberts and his Sister, the said Toas being very bloody, the Deponent fetched him water to wash himself with And at the same time the Deponent asked him the reason of their
p. 130 quarrell The said Toas answered it was about a bond he took of Robert Roberts for what he overpaid him more than the bond he was bound for him the said Toas, which he Left in his Chest Drawers with Other papers when he Absconded, and the same day the quarrell was the said Roberts Looking over some papers on a Table, the said Toas happened to look over

the said Roberts Shoulder, and saw the bond among the said U. H. J. Roberts' papers, which he had past to the said Toas for the money he overpaid the said Roberts as af^d w^{ch} he the said Toas snatched up and asked him what Business he had with that bond about which the Quarrell began, Then the said Toas held a paper in his hand which he told him was the bond, w^{ch} he Believed they would have gott from him if the Deponent had not come in & further saith not Feb^{ry} 13th 1720

Then Came the above mentioned Hopton Williams before me the Subscriber one of his Lordship's Justices of the Prov^{ll} Court for the Province of Maryland & made Oath on the holy Evangelists of Almighty God that the above mentioned is true to the best of his Knowledge

Sworn to before me
Nath^l Hynson

Kent County Septem^r 28th 1716

William Comegys Sen^r Aged about fifty two years on his oath doth Declare that about ten years ago being at the house of M^r John Toas then a liver in said County of Kent and that a Certain Robert Roberts and said Toas had some discourse about a Certain debt due to one Isaac Decove from said Toas, and said Roberts was bound for said Debt to the s^d Isaac, And said Toas fearing some Other Debts thought fitt to Abscond p. 131 for some time the said Roberts fearing the af^d Isaac could sue him for the aforesaid debt Desired the s^d Toas to Secure him, which said Toas seemed willing to doe And in pursuance there to let the said Roberts have severall head of Cattel with hoggs & horses and some household goods as allsoe did promise him said Robert a Quantity of Land how much I know not and a Judgment on one Matthew Greves for what sune is unknowne to me All w^{ch} goods & Land with said Judgment did According as then Vallied did amount to more than the Debt the s^d Roberts was bound for And further saith not

Edw^d Scott

1704 } John Toas D ^r	s. d.
Sept ^r } To a Cane	13..6
	To a Buckskin
	To 1 oz. Cloves
	To 1 oz.
	To Six Thimbles
	To 1 oz. Nutmeggs
	To a pint of Rum
	To 1 pair of Gloves
	To 2 Almanacks
	1..0

U. H. J.	To three thimbles	0..6
	To 4 thousand pins	0..6
	To 2 ^{lb} Soap	2..0
	To 1 Lace	0..3
	To 4 Gall Molasses	12..0
	To 8 ^l Sugar	6..0
	To 1 ^l Peper	4..0
	To 20 ^{lb} Sugar	15..0
	To 2 Gall ^{os} Rum	12..0
	To 3 p ^r Womens Shoes	15..0
p. 132	To 1 p ^r Mens D ^o	5..0
	To 3 pints of Rum	2..3
	To 1 pair of Gloves p R ^d Powell	4..6
	To a Bell	3..0
	To W ^m Comagyes for Writeing	£1.. 0..0
	Feb ^{ry} To a 30 Gallon Casque of rum	9.. 0..0
	To Cash p ^d Evan Jones	1.. 3..6
	1706 To Cash paid George Lumley	7..6
	Jan. 3 ^d To D ^o paid Nath ^l Douglass	19..9
	To Ditto paid Nicholas	12..0
Jan. 30 th	To D ^o paid Benj ^a Pearce	1.. 5..0
Mar. 1 st	To D ^o paid for searching the records.	6..0
	To D ^o paid for proving you to be Lawfully married & County Seale	6..0
	To a pair of women's Shoes	5..0
	To my trouble in goeing to Duck Creeke three or four times fforward & Back- ward	2..10..0
	To 520 ^{lb} Tob ^o paid J ⁿ ^o Dowdall on yo ^r Account	2.. 3..4
	To Searching the records at Philadelphia about a Certain tract of Land on your Account	3..4
	To Cash p ^d Thomas Story	6..0
	To Yo ^r bill to Tho ^s Manchester for 1000 ^{lb} Tob ^o at 1 ^l p ^r	4.. 3..4
	To 6 Gall ^{os} rume at yo ^r Wedding at 6 ^{sh} p gall	1..16..0
	To 2 Gall of Wine at the same time at 10 ^{sh} p Gall	1.. 0..0
p. 133	To my trouble in goeing to Salem when you were in prison, and my own & R ^d Powells Expences	1..10..0
	To 500 ^{lb} Tob ^o p ^d M ^r Phillipson on acc ^t of Attachments	2.. 1..8
	To 400 ^{lb} Tob ^o p ^d M ^r Hunter on the same Account	1..13..4

The Upper House.

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To 78 pounds Tob ^o paid David Lodge for swearing the Jury.	U. H. J.	6..6
To 120 th Tobacco p Dan. Pearce on Acct of Jury Charges	}	10..-
To 120 th tobacco paid M ^r Scott on d ^o Account		
To Cash p Nich ^o Massy		10..0
To yo ^r Wifes Dyet from Nov ^r 1706 to Octob ^r 1707		6..0
To your own Dyet from June 1707 to Oct ^r 1707	4..	3..4
To 2 Gall rum when the Sherr: was after you	I	..5..0
To 100 p ^d tob ^o p ^d M ^r Phillipson for Writeing		12..0
To your bond to Cap ^t Darby for £30 with Interest at 8 p Cent for 6 year which I pay		8..4
		44.. 8..0
		<hr/> 91..10..8

Errors Excepted p me Rob^t Roberts

Per Contra C^r

1704 February 21 st	p. 134	
By 109 ^d of Plow Chains at 6 ^d p £		2..14..6
By 44 ^d Pewter at 6 ^d p £		1.. 2..0
By 134 ^d of New Iron at 2 ^d p £		1.. 2..4
By 221 [£] of old Iron at 1 ^d p £		0..18..5
By 3500 th Tob ^o for Land at 1 ^d p £		14..11..8
By my Dyet		2.. 1..8
By 4 m ^o Nails		0..10..0
By a Kill of Bricks		16.. 0..0
By 1000 ^t tobacco p ^d M ^r Carrol at 1 ^d p lb.		4.. 3..9
Ballance due to Robert Roberts		47..17..4
		<hr/> £91..10..8

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, July 18–August 5, 1721.

CHARLES CALVERT, LORD BALTIMORE
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY

Maryland ss.

At a Session of Assembly held at the City of Annapolis in Ann Arundell County On Tuesday the eighteenth day of July Anno Dom. 1721 for the Province of Maryland by Prorogation from the twenty Seventh day of October last appeared in the Lower House of Assembly for the said Province the following Members Viz.

L. H. J.
Calvert
Papers
(772)
p. 1

The Honble Robert Ungle Esq^r Speaker

ffor S^t Mary's County
M^r Thomas Waughop
Cap^t Truman Greenfield
M^r George Clarke

ffor Charles County.
Coll. [John] Fendall
M^r George Dent
M^r Alexander Contee

ffor Kent County
Col Nathaniel Hynson
M^r James Smith
M^r Lambert Willmore

ffor Somerset County
Cap^t John Jones
M^r George Dashiel
M^r Benjamin Wales
M^r John Caldwell

ffor Ann Arundell County
M^r Joseph Hill
Capt. Danied Mariarte
M^r Richard Warfield
M^r Edmund Benson

ffor Talbot County
M^r William Clayton
M^r Thomas Edmondson

ffor the City of Annapolis
Benjamin Tasker Esq^r
Amos Garret Esq^r

ffor Prince Georges County
M^r Robert Tyler
James Stoddart Esq^r
M^r Philip Lee
M^r Ralph Crabb

ffor Calvert County
Col. John Mackall
M^r Walter Smith
M^r Benjamin Mackall

ffor Queen Ann's County
M^r James Earle Sen^r
M^r Thomas Fisher
M^r William Turbutt

Thereupon by his Lordship's Writ of Prorogation this p. 2
Assembly is further Prorogued till Wednesday Morning.

Wednesday Morning July the 19th 1721.

The House Meets According to Prorogation. Present as
Yesterday.

L. H. J. Ordered that James Stoddart Esq^r and M^r Robert Tyler goe to the Upper House and Acquaint his Hon^r the Govern^r that a Sufficient Number of Members are met to Make an House.

They Return and Say They Delivered their Message. Coll Tilghman from the Upper House Acquaints M^r Speaker that his Hon^r the Govern^r Commands him and the whole house to Attend him in the Council Chamber and with drew.

Thereupon M^r Speaker with the whole House went to the Upper House. where his Hon^r the Govern^r was pleased on behalf of his Lordship the Right Hon^{ble} the Lord Proprietary to Deliver the following Speech Viz.

Gentlemen of the Upper and Lower Houses of Assembly.
Baltemore.

The due Regard you promised by your Joint Dutifull Address to pay to Our Speech transmitted to you by Our Late Govern^r was most Welcome as we thereby found your Sentiments greatly Agreeing with our Own to Promote the Prosperity of Maryland, The true Reason that induced us a Second Time to Recommend the Same Things to your Consideration by our present Leiut^t.

p. 3 In your said Address You desired Time till the next Sessions to Consider the Proper Alterations you declare necessary to be made to the late Act for Ascertaining the Bounds of Land, then under our Consideration and which we had signified to you ought to be Consonant to the Laws of Great Brittain.

The Supplementary Act since made and intended for an Amendment thereof leaves the Properties of his Majesties Subjects in Maryland to be Determined in a Different Manner from those of Great Brittain; whose Safety and happiness it is to have theirs Tried and Decided by their Equalls, Twelve Good Men of the Country on their Oaths. I have therefore thought fit to Dissent to the said Act Entituled An Act for Ascertaining the Bounds of Land within this Province & likewise to the Act Entituled a Supplementary Act to the Act for Ascertaining the Bounds of Land within this Province and Doe hereby declare the said Acts Null, Void and of no Effect.

No Doubt Gentlemen the Assistance of the Legislature may be very Necessary in many Instances to the Courts in Maintaining or Correcting but not in depriveing them of their Judicature And I shall be most ready to Confirm any such Law in Order so to Settle the Boundaries of our Lands, as every Man may in the best Manner Possible Enjoy his Own

Gentlemen, I have formerly made known to you that the L. H. J. Legislature of Great Brittain does not take upon them, among their Parliamentary Proceedings to decide Matters of Meum and Tuum., The peoples properties are ruled by the known Laws of the Land; however Extraordinary their Cases may be; Unless for the Joint Relief and upon the United Application of all parties Concerned And I am Advised and think it Absolutely necessary that Yours should be Preserved to you Agreeable thereto I have therefore Dissented to the Act Intituled An Act to Invest an Estate in fee to John Clements in Queen Ann's County in a Certain Lott in the Town of Cambridge in Dorchester County and to the Act Intituled An Act for the Relief of Benjamin Howard in Making Good the Survey of Howard's Purchase. And also to the Act Intituled an Act Empowering certain Commissioners to Dispose of the Remaining Part of the Personal Estates which were of Thomas Smithson late of Dorchester County Gent: and Thomas Smithson late of Talbot County Esq^r Decēd to Settle & assess the Losses Damages and Costs by Thomas Hicks Gent and John Davis son and Heir at Law of Jeremiah Davis Sustained, as also to Value the Lands whereof the said Thomas Smithson of Talbot County died Seized, & to dispose of so much of the said Personal Estates and the Lands as will Satisfie the said Thomas Hicks and the said John Davis for their Damages Losses and Costs Sustained by Means of a Warranty of Lands from the said Thomas Smithson of Dorchester County and the said Thomas Smithson of Talbot County to the said Thomas Hicks and Jeremiah Davis. And likewise to the Act Intituled an Act to Supply certain Defects in the Conveying Lands from Henry Gibbs Son and Heir of Edward Gibbs some time of Somerset County in the Province of Maryland Decēd to Benjamin Lawrence John Belt and Lucy his wife Heirs of Benjamin Lawrence some time of Calvert County in the same Province Decēd. And, doe hereby Declare the said Acts Null Void and of No Effect; Trusting that Under my Government the Province will Continue (as it has from its Infancy) to flourish by An Unbiased Administration of the Law in the Established Courts of Justice.

It would have been much more Acceptable if the Regard you Acknowledge your Selves willing to have to Our Sentiments relating to the Act for Officers Fees had produced Some thing more Adequate to Our Judgments thereof, rather then a Desire in you Gentlemen of the Lower House, that as People and Plenty Increase in a Country so ought the Rewards of Those who for their Care Knowledge and Integrity are

L. H. J. Imployed in the Several Offices of Government, in a Due Execution whereof so much the Happiness of the People depends.

And therefore that you your Selves may Once more have An Oppertunity to make the Proper Additions rather then Continue such Diminutions, at Your Request I have not yet Dissented thereto.

Gentlemen of the Upper and Lower Houses.

The Satisfaction you Express with Our Appointment of a Gentleman to be your Govern^r, who will I am Confident use his Utmost Endeavours in Conjunction with me to make you a most Happy People my self an Happy Proprietary and both Acceptable to his Most Gracious Majesty, (the great Ends for which I sent him) Adds to the Esteem I had before of him; haveing already learnt, that all Government is for the Publick Good, which I am resolved to make the Rule of Mine,

And Afterwards delivered himself in these words following Viz.

Gentlemen of the Upper and Lower Houses of Assembly

Having thus delivered you what his Lordship has Instructed me, I am now to assure you that it is with the greatest Satisfaction I meet this General Assembly, That last Sessions so Kindley gave me a Supplye for the Support of Goverment. I shall always have a due Regard for your Favours and think I can't better acknowledge them, than by Supporting those who wish well to Our most Gracious Sovereign Lord King George, the protestant Religion and the Prosperity of Maryland; in which I shall not only pursue my own Inclinations, but Obey the Positive Commands of our Lord Proprietary whom I Expect very soon in Person Among us.

What I have now to Recommend to you are the Several
p. 6 Laws that are near Expiring among which is that of the Revenue The General Advantage by that Law is so Obvious that I need but barely Mention it.

I have Several papers from the Govern^{rs} of New York and Virginia and Our Agent Col. Blackiston which I shall Order to be laid before you.

The Sinking Condition of the Tobacco Trade wherein you are so much Concerned requires your Utmost Endeavour to Support it. And I cannot omitt with Earnestness to Recommend to you On this Occasion the great Example of the British Parliament which waving things of Less Moment,

never fails to apply it self with utmost Attention to the Relief L. H. J.
of its most Pressing Exigencies.

Gentlemen.

I Can't Conclude without Observing to you with great Pleasure that those Little Heats, which Lately disturbed you are now happily at An End which gives me Hopes of your being United for the Common welfare. And as I purpose the Greatest Happiness to my Self during my Administration in the General Good of this Province, and shall always use my best Endeavours to Effect it; so I shall take those to be my Lord Proprietors Friends who will heartily Join their Endeavours with mine to make us an United Happy People.

Charles Calvert.

And afterwards M^r Speaker with the whole House Return to their Own House. where M^r Speaker resumes the Chair. Cap^t John Baker a Member returned to Serve for Saint Mary's County And M^r James Earle Jun^r a Member returned to Serve for Queen Ann's County Severally appear in the House.

Thereupon Ordered that M^r Thomas Waughop and M^r William Turbutt goe to the Upper House to see them p. 7
Qualified.

They Return and Say they see them Qualified

Thereupon they tooke their Places.

The Rules of the House Read and sett up.

The Committees appointed and Sent Out Viz.

ffor the Committee of Elections and Previiledges Col. John Mackall, John Rousby Esq^r M^r James Lloyd M^r Ralph Crabb and Major Rich^d Colegate.

ffor the Committee of Laws. James Stoddart Esq^r M^r Phillip Lee, M^r James Smith Col Roger Woollford Coll John Mackall, M^r Edmond Benson, M^r Alexander Contee and M^r James Earle Jun^r

ffor the Committee of Aggrievances M^r Robert Tyler, Cap^t Daniel Mariartee, Collonel Nathaniel Hynson M^r Thomas ffisher and M^r Rich^d Warfield.

ffor the Committee of Accounts M^r Joseph Hill, Cap^t S^r Leiger Codd Cap^t John Rider, M^r James Earle Sen^r and M^r William Turbutt.

Resolved that this House will sit to do Business from Eight of the Clock till Eleven in the Forenoon and from One till five

L. H. J. of the Clock in the Afternoon and Ordered that the following Message be prepared Viz:

By the Lower House of Assembly July the 19th 1721.
May it please Your Honours

This House in Order to Dispatch Business as much as in them lies have Enter'd a Resolve to Sit (after this day) from Eight till Eleven of the Clock in the forenoon, and from One till five of the Clock in the afternoon and Desire to know whether the Times proposed be Agreeable to your Honours
Signed p Order. M Jenifer Clk. L^o H^o.

And Sent to the Upper House by M^r Tasker and M^r James Smith. They Return & say they have Delivered it

p. 8 Ordered that the Reverend M^r Samuel Skippon be Acquainted that this House Desires him to Read Divine Service for this Assembly at Seven a Clock in the Morning and at five o'Clock in the afternoon, and Ordered that M^r Tasker give him Notice thereof.

Coll Ward from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly July the 19th 1721.
We approve of your Proposals as to your Times of Sitting.
Signed p order John Beale Cler. Up. Ho.

Ordered that M^r Speaker issue his Warrant to the Secretary to prepare Writs of Election viz.

To the Sherif of Baltemore County for the Electing a Member in the Room of Captain Dollahide since Last Assembly Dēcd.

To the Sherif of Cecil County for Electing a Member to serve in the Room of M^r William Dare who since last Assembly has accepted the Sherifalty of that County. Which was Issued Accordingly. The House Adjourns for An Hour.

Post Merediem

The House meets According to Adjournment.

Thomas Bordley Esq^r from the Upper House delivers M^r Speaker the following Message and Papers Viz:

By the Upper House of Assembly July the 19th 1721.
Gentlemen.

We are of Opinion that a Light House on Cape Henry would be of great Advantage to the Trade of this Bay and

Recomend to you the Consideration of so usefull a Project. L. H. J.
But we Observe The Sums proposed by the Address herewith
sent you are what we Cannot Properly Judge of for want of p. 9
knowing the particular Scheme of the Design.

We Desire you to Signifie your Resolutions hereon; That
(if we Agree in Our Sentiments concerning it) We may
Desire the Favour of his Hon^r the Govern^r to Communicate
the same to Virginia, that we may not Lose the Benefit of so
usefull a Work for want of a Right Understanding of it, or
of falling in to proper Methods to Effect it.

Gentlemen. The Mention that is made in the Address of
An Application made by some Considerable Persons in Mary-
land, We Understand to be no other than an Accidental Con-
versation by some Gentlemen of that Government with some
of this, some Years since in Company with the late Govern^r
where such a Projection as this is was mentioned as a Con-
veniency; and such we Esteem it: but we know of Nothing
that has been done by way of Application on that foot.

Signed p Order John Beale Cler Up Ho

Which were Read and Refer'd till to Morrow Morning for
further Consideration.

The House Adjourns till to Morrow Morning Eight of the
Clock.

Thursday July the 20th 1721

The House meets According to Adjournment. Yester-
day's Proceedings are read.

M^r Tasker is Excused through Indisposition.

Ordered that the Committee of Laws prepare an Answer to
the Govern^{rs} Speech.

Coll Mackall from the Committee of Elections and Previ-
ledges returns the following Report (viz.)

By the Committee of Elections and previledges
July the 20th 1721.

On Inspection into the Indentures for M^r John Baker a p. 10
Member returned for St. Mary's County we find him duly
Elected. We find no Indentures nor Writt returned for M^r
James Earle of Queen Ann's County.

Signed p Order. John Gibson Clk. Committee

Thereupon Ordered that Warrant Issue to the Sergeant
to bring Edward Wright Sherif. of Queen Ann's County
before this House to Answer for his Default therein which

L. H. J. Issued Accordingly. The house Adjourns till One of the Clock in the Afternoon.

Post Merediem

The House meets According to Adjournment.

The Petition of Charles Rivers praying to be Relieved from Prison at the Suit of Charles Carroll's Ex^{rs} was Read and Leave Given to bring in a Bill as prayed.

Resolved that no Petitions be received after Thursday next and Ordered that Notice be Given by Setting up Notes thereof.

James Bowles Esq^r from the Upper House delivered M^r Speaker the following Message and Papers Viz.

To his Excellency William Burnet Esq^r Governour of the Province of New York.

Instruction 91.

Whereas it has been thought Requisite that the Gen^l Security of our Plantations upon the Continent of America be provided for by a Contribution in proportion to the Respective [abilities] of Each Plantation, And whereas the Northern Fronteers of the said Province of New York being the most Exposed to an Enemy do require an Extraordinary Charge for the Erecting & Maintaining of Forts Necessary for the Defence thereof, And Whereas [orders] were Given by King William the third for the Advancing of fifty pounds Sterling towards a Fort in the [Onondage] Country and of two thousand Pounds Sterling towards the Rebuilding of the Fort at Albany and Schenectady and likewise by Letters under his Royal Sign Manuel directed to the Govern^{rs} of divers of the Plantations to Recommend to the Councils and General Assemblies of said Plantations that they Respectively furnish a Proportionable Sum towards the Fortifications on the Northern fronteers of our said Province of New York Viz.

Rhode Island and Providence Plantation	£150.—
Conecticut	450.—
Pensilvania	350.—
Maryland	650.—
Virginia	900.—

And Whereas We thought fit to direct that you alsoe Signifie to our Province of Nova Cæsarea or New Jersey that the Sums which we have at present thought fit to be Contributed by Them (if not already done) in Proportion to what has been directed to be Supplied by our Other Planta-

tions as aforesaid are £250 sterl. for the Division of East L. H. J. New Jersey and 250 £ Sterling for the Division of West New Jersey You are therefore to Inform Your self what has been done therein and what remains further to be done and to send An Account thereof to us and Our Commissioners for Trade and Plantations as aforesaid.

Instruction 92. And you are alsoe in Our name Instantly to Recommend to our Council and the General Assembly of our said Province of New York that they Exert the Utmost of their Power in Provideing without Delay what further shall be Requisite for Repairing Erecting and Maintaining of such fforts in all Parts of that Province as you and they shall Agree upon.

A Paragraph of a Letter from his Excellency W^m Burnett Esq^r to his Hon^r Charles Calvert Esq^r Gov^r of this Province Dated April 1721.

S^r

The Enclosed Papers will Shew you both the Occasion & p. 12 Grounds of my Giving you this Trouble If there is not Speedy Care taken to Repair the Fortifications on the Fronteer of New York and to build some New ones, the french will soon have it, in their Power to set the Indians on Ruining all the Colonys where the plantations lye remote from great Towns. I must therefore Recomend it to you to provide the Six hundred and fifty pounds which the King has named as the Quota of your Province & transmit it to New York to be Applied as the Kings Instructions Directs.

By the Upper House of Assembly July the 20th 1721.

Gentlemen. His Honour the Governr having laid before us the Papers herewth Sent you, We desire your Consideration thereon and request you to Inspect into the Journals of your House in March Assembly 1701/2 for your further Information therein; for that our Journals of that Date are not so full in Relation to that affair, as we hope yours are and that after Consideration you will Return us the Papers herewith sent with your Thoughts thereon And what you find has been Transacted in Relation thereto.

Signed p Order. John Beale Cler. Up. Ho.

The Petition of Joseph Lazear praying that he and his children may be naturalized is Read and Leave Given to bring in a Bill as prayed.

The Petition of the Nanticoke Pocomoke and Indian River Indians praying that a Bill may be brought in to prevent the

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L. H. J. English from Selling the Indians any Liquors is Read and Ordered to be thus Endorsed Viz:

By the Lower House of Assembly July the 20th 1721.

This House is of Opinion, that the Laws already made do Sufficiently provide against the Inconveniences Complained of by the within petition.

p. 13

Signed p Order M Jenifer Cler. L^o Ho

And sent to the Upper House by M^r Dashiel and M^r Caldwell, They Return & say They Delivered it

Coll. Tilghman from the Upper House Delivers M^r Speaker the Petition of the Vestry of Westminster Parish thus Endorsed Viz:

By the Upper House of Assembly June the 20th 1721.

The within Petition being Read it's thought very Reasonable that the Petitioners be Relieved, according to their Prayer provided their allegations be made Good & that the Other Parish will Afford a Reasonable Maintainance for An Incumbent when the Alterations are made as Prayed, and that the Incumbents therein Concerned have due notice thereof which we Referr to your Consideration,

Signed p Order. Jn^o Beale Cler Up^r Ho

Which was Read and Referred till next Sessions and Ordered the Parties Concerned have Notice thereof.

The House Adjourns till to Morrow Morning Eight of the Clock.

Fryday Morning July 21st 1721

The House meets According to Adjournment.

Yesterday's Proceedings are Read.

The Answer to the Govern^{rs} Speech, brought Down from the Committee of Laws, being Read is Approved of and ordered to be Entered as follows Viz:

To the Hon^{ble} Charles Calvert Esq^r his Lordships Lievtenant Gov^r of Maryland.

The Humble Address of his L^{ps} Lower House of Assembly.

We Unfeignedly Express our Dutifull Thanks to your Hon^r for your kind Speech and favourable Acceptance of the Small Additional Support this House in Consideration of your Hon^{rs} Good Will to us thought Proper to tender to your

Acceptance the last Sessions And we take Leave to Assure L. H. J your Hon^r of our Readiness to Continue the Same Support as well as that we Resolve to Retain the Strictest Regard to your Person; and shall Endeavour to Propagate your Honours p. 14 Esteem for us by shewing our selves at all times Very Zealous in Expressing the great Veneration we have for his Majesty King George, the Security of the Protestant Religion as well as the welfare of Maryland and are very much pleased to find with what Heartiness and Sincerity your Hon^r is Pleased to Concurr with us in these our Sentiments. And we are firmly Perswaded, that his L^{ps} Arrival here will be attended with Inexpressible Satisfaction to all his Lordships Tenants and good People of this Province.

We also Return Our Thanks to your Honour for Communicating to us his Lordship's Speech, in whose Desires we shall most readily Concurr as far forth as upon Due Examinations and Serious Deliberations of the Several Branches thereof, we shall find them Agreeable to the Interest of his Government and Wellfair of his Lordships Dutifull Tenants.

The Several Laws recommended to our Care for Revival shall be duly weighed and Considered and we hope the Result will be Agreeable to your Hon^r

We shall make a due Inspection into the Sundry Papers your Hon^r hath or shall be Pleased to Lay before us and return Our Answers Accordingly.

Your Hon^{rs} Extensive Zeal and well Wishes for the Good and Advantage of his L^{ps} Province is most Conspicuous to all well wishers thereto by your Recommending in a more Particular Manner to us the taking into Consideration how to Relieve ourselves from the most Miserable and Deplorable State we are reduced to by the sudden Fall of the Staple of our Country, and by Giveing so great an Example to follow as that of the Legislature of Great Brittain; whose Measures in this particular we shall most Strictly follow by Unanimously Heartily and Sincerely Setting Our Selves about so great a Work w^{ch} we most heartily wish may End in the United Happiness of the Lord Prop^{ry} and his People.

And we beg Leave to Assure your Honour it's with Equall Pleasure we Reflect, that the little Heats and Divisions created p. 15 thro Misapprehensions Amongst Our Selves are happily terminated; and that it in all Probability very much Contributes to the Inseperable Interest of our Lord Proprietary and his people. And as by the Marks your Honour hath already given us we are sufficiently Convinced of your Intentions for the Welfare of this Province so from your Wisdom Goodness and Justice we are most firmly persuaded

L. H. J. of the Continuance thereof; and shall Endeavour to Out vie each other in our Zeal by most readily Coming into your Hon^{rs} Measures.

Signed p Order. M. Jenifer Cler Lo. Ho:

And Sent to his Hon^r the Gov^r by James Stoddert Esq^r and the Rest of the Gentlemen of the Committee of Laws. They Return and Say they Delivered it.

The Petition of Thomas Saunders of Talbot County and Rebecca his Wife being Read, is Referred to the next Sessions and Ordered that all Parties Concerned have Notice thereof to Appear then if they think fit to Answer the Same.

The Petⁿ of Christian Geist praying that a Bill may be brought in for his Naturalization is Read and Leave given to bring in a Bill as prayed on Qualifying himself according to Law which was Endorst accordingly.

The Petition of Aquilia Paca praying Leave to bring in a Bill to Confirm James Phillip's Will being read is Referred till next Sessions and Ordered that all Parties Concerned have Notice thereof; which was so Endorsed.

On Reading the Message of the 19th Instant for Erecting a Light House on Cape Henry,

The Question was put whether the following Message shall be sent or not? Carried in the Affirmative by the Majority of Votes Thereupon ordered the Same Entered accordingly.

p. 16 By the Lower House of Assembly July the 21st 1721.

May it Please Your Hon^{rs}

We have Seriously weighed Your Hon^{rs} Recommendation to us relating to the Granting a Supply for Erecting a Light House on Cape Henry; but as we are altogether Ignorant of the Reasons Induceing the Govern^{mt} of Virginia to Recommend that Affair to us; and are alsoe at a Loss of what Advantage or whether Any it may be to Trade so we beg Leave to Defer Coming to any Resolution therein, until such Time as that Govern^{mt} is pleased to be more particular in that Affair which if we find Likely to be Advantageous to Trade we shall then fall into Such Measures as may be thought Reasonable.

And sent to the Upper House by Collonel Hynson and M^r Warfield.

They return & Say They have Delivered it.

M^r Speaker acquaints this House that his Hon^r the Govern^r desires him to Return his Hearty Thanks to this House for their Address of this day, which he did Accordingly.

Ordered that Warrant Issue to the Sergeant against James L. H. J. Van Bibber late Sherif of Cecil County to bring him before this House to Answer for the Contempt in Not Returning the Writ of Election and Indenture whereon M^r Stephen Knight was Elected.

Ordered the Sergeant bring into this house Coll Ephraim Augustine Herman and M^r Roger Larramore for their not Attending this Assembly

The House Adjourns till One of the Clock in the Afternoon.

Post Meridiem

The House meets According to Adjournment.

Resolved that M^r Peter Taylor be fined ten Shillings to be ^{p. 17} paid Immediately to the Sergeant for his Absence at Calling Over the House & Contempt thereon.

Ordered that a Committee be Appointed Viz. Capt. Baker, Cap^t Codd, Cap^t Mariartee M^r Rousby Coll ffendall, Cap^t Jones, Coll Woolford, M^r Lloyd Col Maxwell M^r Stoddart and M^r Turbutt to make their proposalls and Report concerning the Tob^o Trade

Who are sent out Accordingly.

The House Adjourns till to Morrow Morning Eight of the Clock

Saturday Morning July the 22^d 1721.

The House meet According to Adjournment.

Yesterdays Proceedings Read.

Coll Harman and M^r Larramore Appearing in the House thereupon are Excused, and Discharged paying Fees.

The Petition of John Clements Read and referred till the next Sessions.

The Petition of Robert Tivis and Robert Morris Languishing Prisoners being Read its Ordered that M^r Sam^l Peal have Notice to attend On Monday next if he think fit to make his Objections against bringing in a Bill for their Relief.

A Bill for Relief of Charles Rivers being Read and Ordered that M^r Carrolls Ex^{ts} have notice to attend in the Afternoon and that the said Charles Rivers also Attend in the Custody of the Sherif: of Ann Arundel County.

Henry Lowe Esq^r from the Upper House Delivers M^r Speaker the Petition of Major Nicholas Sewell thus Endorst Viz.

By the Upper House of Assembly July the 22^d 1721.

Gentlemen, Upon Reading and Considering the Petition and upon the Enquiry made whether the within Petitioner

L. H. J. had ever Satisfaction made him for the within Lands, we
p. 18 Cannot find that he had: therefore Referr the further Inspection and Consideration thereof to your House

Signed p Order. John Beale Cler. Upper Ho.

Which being Read was Referred till Monday next.

James Stoddart Esq^r from the Committee Especially Appointed Returns the following Report Viz:

July the 21st 1721.

By the Committee appointed to Consider of proper Schemes for a Law to Relieve the Tobacco Trade

1st It is Offered to the Consideration of the House, if a Clause for Amending the Quality of Tobacco is not Necessary Viz: that no Tobacco after the Tenth day of October next shall be packt up in Order to be Shipped and Exported out of this province by any person whatsoever, or paid or tendered to be paid either in Casque or otherwise to Merchants or Others; or shall be stem'd in Order to be Ship^t or Sold by any Person whatsoever, other than what is in good Condition and of a Clear and Clean Leaf free from Ground Leaves Frost bitten Leaves or Trashey Leaves or otherwise Damnfied Leaves whatsoever that shall Exceed the Quantity of five pounds of Tobacco in any one Hogshead of Tob^o under the Penalty of the Sum of five hundred pounds of Tob for every Time they shall be Convicted thereof one half to the Informer and the other half for the Benefit of a Publick School in the Respective County where such Person so Convicted Inhabits to be Recovered &c

2^{dly} That Every Person making any Tobacco within any of the Countys within this province shall reserve in Some Place of his Tobacco Houses yearly after the tenth day of October aforesaid all the Tobacco made on his Plantation that is not of the qualifications aforesaid Until he has finished that year's
p. 19 Crop which he shall be Obliged to Do by the first day of in and when any Crop is so finished, that the Owner thereof give due Notice to the Constable of the Hundred where he Lives That such Constable Come within Days to see such Unqualified Tobacco burnt. Which Constable shall be Obliged to see it done in his Presence for which Services for all within his Respective Hundred the Constable of Each Hundred shall be allowed in the County Levy the Sum of pounds of Tob^o p Annum and that the Constable Neglecting his Duty herein shall be fined for every such Neglect the sume of pounds of Tob^o to be Recovered and Ap-

plied &c And the Planter Concealing or otherwise Disposing L. H. J.
of any such Unqualified Tob^o so as he Do not produce the same
and Burn it in the Presence of the Constable shall be liable
to the like penalties as first Mencōned to the use and to be
Recovered &c as aforesaid.

3^{dly} That no person shall Truck with or Deal with Any
Children Servants or Slaves for any such Unqualified Tob^o
notwithstanding he or they have obtained Leave of the
Parents of such Children or Master or Owners of such Ser-
vants or Slaves under the Penalty & for the use and to be
Recovered &c.

[4^{thly} That no Tobacco be planted in any year after the
Last of June Yearly under the penalty &c.]

This Law to Continue for three years and to the End of the
next Sessions after the said three years. It is further Offered
to the Consideration of this House That a Clause be Added to
this Law that any person may pay all his Tobacco Debts, the
Publick and County Levys and the forty p poll to the Minister
of the Parish Excepted in Merchantable flax and Hemp such as
shall be made upon any of the Lands within this Province. The
Flax at nine pounds of Tob^o and the Hemp at Six pounds of
Tob^o p pound to be Tendered and paid at some Convenient
place where the Tobacco shall be due.

Signed p Order. E. Griffith Cler Committee. p. 20

On Reading whereof the Question was put whether the first
Paragraph thereof shall stand as it now is or not? Carried
in the Affirmative by the Majority of Votes.

As to the second Ordered it be left Out The third to stand
with Penalty on both Buyer and Seller if a Freeman and
Capable of paying fine 12^d p pound If a Servant or Slave
incapable to pay fine Discretionary in the Justice as to Cor-
poral Punishment not Exceeding thirty nine Lashes.

Afterwards the Question was put whether the third para-
graph with the Amendments as it shall stand or not?

Carried in the Affirmative by the Majority of Votes.

The House Adjourns till One a Clock in the Afternoon.

Post Meridiem.

The Petition of John Smith and John Connoway Poor
Prisoners is Read and Referred till Monday next. The Peti-
tion of James Lloyd & John Pemberton is Read and Referred
till Monday next.

L. H. J. Coll Ward from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly July the 22^d 1721.

Gentlemen.

It being Represented to this House by Several of the Chief Officers of the Militia that the Captains and Other officers under their Command are Discouraged from Performing their Duty by being rather Disposed and Affronted than
p. 21 Respected & Obeyed by the private Centinels; which they conceive is chiefly occasioned by a want of Power in the Captains of the Several Troops and Companys to fine those who do not observe their Duty as the Law Directs: but must Apply to two of the ffield Officers for that Purpose, who knowing the frequent Disappointments that attend the Hearing such Complaints do not care to take the Trouble upon them, It is therefore proposed by this House that the Several Captains be enabled by a Supplementary Act to fine those who Do not Perform their Duty According to the Act for Regulating the Militia, and with a Liberty to the person so fined if he think himself Aggrieved to Appeal to two of the Chief Officers for Relief.

Signed p Order. John Beale Clk Up. Ho

Coll Tilghman from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly July the 22^d 1721.

Gentlemen. It is found by Experience that the Act for Limiting the Continuance of Actions is reather a Prevention than a ffurtherance of Justice for that so many Unforeseen Casualties frequently happen in the Course of Legal Proceedings that a Certain Time cannot be Limited for their Continuance without imposing inevitable Hardships on the Suitors, against the very Right of their Causes. And whereas that Act imposes (and not unjustly) the Penalty on the party that is in fault; it some times happens, that Causes are Continued without Fault of either party as it happened the last Provincial Court, when in many Cases where the Parties were willing on all Sides, their Causes Could not be heard for the vast number of Criminal Prosecutions, that took up almost the whole Time of the Court, tho' it Sat Longer than any Court for many years has been known to do. It would be tedious to enumerate the many Instances that have happened Since the Making that Law and which may hereafter happen.

Wherefore we Do not think it adviseable to Continue that Law, L. H. J. unless you could provide against the Sickness or other Casual- p. 22 ties incident to the Judges, the Evidences, the Parties and Officers; and Generally in all Cases where the Act of God may intervene; which is Impossible and therefore we Recommend to you the preparing a short Bill for the Repeal of that Act and to Save to the Parties that Suffer'd last Provincial Court by that Law their full Right to Proceed in their Respective Causes as if such Act had never been made.

Signed p Order. John Beale Clk Up. H^o.

The House Adjourns till Monday Morning Eight of the Clock.

Monday Morning July the 24th 1721

The House meets According to Adjournment. Saturdays Proceedings are Read.

Ordered the following Message be prepared viz.

By the Lower house of Assembly July 24th 1721

May it please Y^r Hon^{rs} This House is of Opinion that the Act for Regulating the Militia Provides a sufficient Punishment for the Delinquents of that Act

Signed p Order. M. Jenifer Cl Lo. Ho

And Sent to the Upper house by Coll Mackall and Coll Hynson.

They Return and say they Delivered their message.

Ordered the foll. Message be prepared Viz.

By the Lower House of Assembly July the 24th 1721

May it Please your Hon^{rs}

We have Received your Message by Coll: Tilghman recommending to us the Repeal of the Law for Limiting the Continuance of Actions in the Several Courts, and having Seriously Considered the Same are humbly of Opinion that the Intent of the Law, as well as Express words relating to the Provincial Court, do import that the Jurisdiction of the said Court p. 23 doth extend to the Expiration or End of four Courts Exclusive of the Appearance Court which Length of Time doth seem very sufficient to us to Dispatch the Business of the same: for which Reason we cannot incline to make a Repeal or any Alteration of the said Law Adding further this Con-

L. H. J. sideration, that we have heard no Complaint from Any Other Court that the Time Limited by Law hath proved Prejudicial to their Proceedings

Signed p Order. M. Jenifer Cl. Lo. Ho

And sent to the Upper House by M^r Benson and M^r Clayton, They Return & Say They have Delivered it.

Ordered that the Committee of Laws prepare a Supplementary Bill to the Act for Stay of Execution after the tenth day of May Yearly.

The Petition of James Lloyd and John Pemberton being Read is Referred till next Sessions, and Ordered that all Purchasers and Parties Concerned have Notice thereof,

The House Adjourns till One a Clock in the afternoon.

Post Meridiem.

The House meets According to Adjournment.

The Petition of Major Nicholas Sewell is Read and the Question being put whether the same shall be Referred or not?

Carried in the Affirmative by the Majority of Votes.

Whereupon the same is Referred till the next Sessions, And Resolved that upon the Runing out the Lands in the said Petition mentioned for so much of the said Major Nicholas Sewall's Lands as is Included within the Indians Bounds, this House at the next Sessions will take it into their Considerations to make such Compensation as shall be then thought Reasonable.

p. 24 Edward Wright according to the Warrant against him returns the Writ of Election whereon M^r James Earle was Elected and on his Letter is Excused paying to the Sergeant forty five Shillings, to the Clerk ten Shillings and five shillings to the Doorkeeper.

The Petition of Hugh Mathews praying that a Bill may be brought in for the Sale of Dennis Sullivan's Land was Read and Referred till the next Sessions

A Bill for Relief of Charles Rivers is Read the first Time and the Question put whether the same shall be Read a Second Time or not? Carried in the Negative by the Majority of Votes.

The Petition for Relief of Robert Morris and Robert Tivis is Read and Referred till the next Sessions.

The House Adjourns till to Morrow Morning Eight of the Clock.

Tuesday Morning July the 25th 1721.

L. H. J.

The House meets According to Adjournment Yesterdays Proceedings Read.

The Petition of Henry Hooper, and the Petition of John Seager praying for Relief on the Act for Ascertaining the Bounds of Land &c are Read and Referred till next Sessions.

The Petition of Thomas Hicks and John Rider praying they may be Restored to the Possession of Lands formerly given to the Indians but Since by them Deserted, being Read is Referred till the next Sessions, And Ordered the Indians Concerned have Notice to attend the next Sessions if they think fit with their Interpreter.

Coll Mackall from the Committee of Elections returns the following Report Viz.

By the Committee of Elections & Privileges.

July the 25th 1721.

On Inspection into the Indentures for M^r James Earle J^r a Member Returned for Queen Ann's County we find him p 25 Duly Elected.

Signed p Order. Jno Gibson Clk. Committee

The Petition of Nehemiah and Anthony Lecompt and Cath Bruff being Read is Referred till the next Sessions and Ordered that the Heirs of Garret Vansweringen have notice thereof.

On Reading the fourth Paragraph of the Report concerning the Tobacco Trade the Question is put whether a Time of Limiting the Planting of Tobacco shall be or not? Carried in the Affirmative by the Majority of Votes.

The Question was put to what Time?

Carried by the Majority of Votes that it be to the last of June. And Resolved that no seconds be made nor any Tobacco Hills Sown. And that no merchant or other person shall receive any Tobacco or Employ any person to Receive Tobacco, but shall be first sworn to Receive such Tobacco as shall be Agreeable to the Act.

The Question being put whether the Planters shall Rowle their Tobacco within a Mile of the Water Side or not? Carried in the Negative.

The Question being put whether a Time shall be Limited for getting Tobacco Ready or not?

Carried in the Affirmative by the Majority of Votes.

L. H. J. Then the Question being put by what Time it shall be got Ready? whether the last day of May or the Last of June? Carried by the Majority of Votes that it be the Last day of May.

The House Adjourns till One of the Clock in the Afternoon.

Post Meridiem.

The House Meets according to Adjournment. And Adjourns till to Morrow Morning Eight of the Clock.

p. 26

Wednesday Morning July 26th 1721.

The House meets according to Adjournment
Yesterdays Proceedings are Read.

The Motion being made and the Question put whether a Supplementary Bill to the Act laying an Impost on Liquors & Negroes &c shall be brought in to Exempt Persons from Paying Duty on Negroes that shall be Imported with them for the Use of their Own Families,

Carried in the Affirmative by the Majority of Votes.

Then the Question being put whether they shall be kept two years or one before they shall be Disposed of,

Carried by the Majority of Votes, that they be kept two years.

Order^d that the Committee of Laws prepare the Bill.

A Supplementary Bill to the Act for Stay of Execution after the tenth day of May Yearly being Read the first and Second Times will pass Nemine Contradicente Which was so Endorst and sent to the Upper House by M^r Tyler and M^r Caldwell.

They Return and Say They Delivered it.

Resolved, that the Door-keeper to the Chancery be allow'd to this Time, but not for the Future.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly July the 26th 1721.

Gentlemen. Having Read your Answer to Our Message by Coll^o Tilghman relating to the Law for the Continuance of Actions,

We are Apprehensive that your Opinion, that the Time for Continuance is to Extend to the End of the fourth Court after the Appearance Court will not have Sufficient weight to Influence or Salve the Consciences of those Justices in the Courts of Law who have hitherto been of a Contrary Opinion nor

doe we find that you do at all Consider the Circumstances of those, that must Suffer without their Faults by the Extraordinary Criminal Business the Last Provincial Court; or at least, that you have not proposed any Provision for them: for that some Causes will Expire in August to which Time being a Special Adjournment no Jury Could be Summoned, Even [tho'] the Time of Limitation should be Adjudged according to your Opinion. L. H. J. p. 27

We Cannot Omitt to Remark that the Consequence of that Law is Burthensome to the Plaintiff Suitors in Obliging them to Renew their Suits at Double Charges for the Recovery of their Just Debts, And Oppressive to the Defendants in Causing them to be Condemned perhaps by the Default of their Attorney in Unjust Demands, and thereby obliging them to tedious Suits in Chancery, and in the High Court of Appeals, and at last perhaps Scarsely able to Extricate themselves from the Inconveniencies of that Law. And by this Means the Attorneys who Perhaps are the Only Persons Faulty (except where the Act of Providence Interposes) are the Only Gainers by having their Causes Ended without the Trouble of Pleading them; their ffees sooner paid and their Business much Increased. We therefore propose that you would Rather Remedy the Evil of Delaying Suits by imposing a Smart Fine on the Attorney that shall be the Cause of the Delay than (Perhaps for his Negligence) to Destroy the Clients Cause.

If what we have said will not Encline you to Repeal that Law and that Any Inconvenience happen to the Good People of this Province for want thereof We Hope it will not be Imputed to want of Consideracōn in our Part of the Legislature

Signed p Order. John Beale Clk Up Ho.

Which being Read, Resolved that the Law for Limiting the Continuance of Actions be Reenacted with provision for the Several Suitors and a fine of twenty Pounds in the Provincial Court and ten pounds in the County Courts if the Clients Suffer by the Attorney's Neglect; besides paying Costs.

Coll^o Addison from the Upper House delivers M^r Speaker p. 28
the following Message Viz.

By the Upper House of Assembly July the 26th 1721.

Gentlemen. You having had his Lordship's Speech for perusal ever Since the Begining of this Sessions we Desire you will now let us have the Perusal thereof

Signed p Order. John Beale Clk Up Ho

L. H. J. In Answer to which the following Message is prepared,
Viz.

By the Lower House of Assembly July the 26th 1721.

May it Please Y^r Hon^{rs}. In Answer to your Message of this Day by Coll. Addison This House being informed that a true Copy of his Lordship's Speech attested by our Clerk has been delivered your Clerk, are of Opinion that the Original Speech ought to be Lodged in this House according to their Ancient Custom & Privilege

Signed p Order. M. Jenifer Cler Lo Ho

And Sent to the Upper House by M^r Lee and M^r Benson, They Return & say They have Delivered it.

The Petition of Isaac Johns is Read and referred till next Sessions.

The Petition of Joseph Brown a Prisoner praying to be set at Large being Read is Referred till Saturday next and Ordered that M^r Thomas Sprigg have Notice thereof.

The House Adjourns till One of the Clock in the Afternoon

Post Meridiem.

The House meets According to Adjournment

M^r James Vanbebbber late Sherif: of Cecil County According to the Warrant against him Appears in the Custody of the Sergeant of this House and alleging Nothing Matteriall in his Excuse.

p. 29 The Question was put whether he shall be Fined or not.

Carried in the Negative by the Majority of Votes. Whereupon its Ordered that he pay to the Sergeant twenty Shillings. besides his Expences with ten Shillings to the Clerk and five Shillings to the Door Keeper and Ordered he be in Custody till the same be paid.

Coll^o Addison and Coll^o Tilghman from the Upper House deliver to M^r Speaker the following Message Viz.

By the Upper House of Assembly July the 26th 1721.
Gentlemen.

We are not willing to believe but that you have Read & in some Measure Considered our Message of the 22^d Instant by Coll^o Ward; tho' by your opinion of the 24th in Relation thereto, it might seem otherwise. We did not propose to you the Enlargement of the Punishment but that the Punishm^t

already appointed (the Quantity whereof you doe not object L. H. J. ag^t) might be duly Inflicted. In Vain is it to Proportion Punishments to Offenders, if the Method of bringing the offenders to Punishment be rendered Impracticable, as Many years Experience sufficiently demonstrates this to be.

Gentlemen; We take it that tho' this fine of One hundred pounds of Tob^o be but small in it Self, yet in the Consequence of it, the Honour and Safety of our Country is much Concerned. Upon the Due Execution of this Law depends the whole Regulation of the Militia: for that is the Only Tye upon them to Obey; and Obedience is Essential to Discipline; and Discipline to Defence: and even in the Time of the most happy Tranquility a well Regulated Militia is not only an Honour but a Preservative of Peace by keeping in awe a Less Disciplined Neighbour; whereas the Neglect of this is even an Invitation to others to take Advantage of our not being in a Posture of Defence.

We take this Opportunity to Acquaint you that Many of the most Capable Persons have Refused to Accept Commissions & those that have are willing to lay them down; because they are only Called Commanders but have no Legal Power to induce Obedience.

We likewise Observe that the fine is what you Approve of and the Judges of it proposed are the same the Present Act Appoints wherever the party fined pleases to make him so: p. 30 for if he Dislikes the Judgment of the Captain, he may then Complain and have the same Judges which that Law already Appoints. If he likes the Captains Judgment the Alteration we propose can be no Grievance to him. To which (if you Agree) may be Added that no such fines be Executed for without the Approbation and Certificate of the Field Officers. Certainly Gentlemen, should you refuse to Amend this Act in the Points proposed (which alter not the Substance, but render the due Execution of it more practicable,) it must be necessarily understood as the Effect of your Dislike to the Act it Self and by Consequence a Dislike to any Militia for the Defence of the Country.

Signed p Order. John Beale Clk Up. Ho

The Petition of John Connaway a Poor Prisoner is Read and on hearing the Allegations of M^{rs} Macnemara against bringing in a Bill,

Leave is given to bring in a Bill as prayed

L. H. J. Henry Lowe Esq^r from the Upper House delivers M^r Speaker The Supplementary Bill to the Act for Stay of Execution after the tenth day of May yearly Endorst thus Viz.

By the Upper House of Assembly July the 26th 1721.

Gentlemen. On Reading and Commenting on the within Bill, We think it as Reasonable that Executions out of the Commissary's Office should be Liable to be Superseded as well as those out of the Chancery Court, But we Likewise think it highly Reasonable, that in all Judgments for Money Debts or Bills of Exchange the Several Courts should have it left to their Discretion to allow or Disallow such Superseedeas
p. 31 as they may find it most Agreeable to the Equity of the Case; which shall be Resolved on and Determined at the Time of the Judgments Rendered and the Clerks of the Respective Courts shall note such Resolutions on the Back of the Execution at the Time of the Issuing thereof, which the Sherif or Coroner Respectively shall be Obligated to take due Notice of.

With which (which we Esteem Necessary) Qualifications to said Bill, it will Pass.

Signed p Order. John Beale Cl. Up Ho

Whereupon the Bill being Amended with adding the Commissary's Court and Ordered to be thus Endorsed Viz.

By the Lower House of Assembly July 26th 1721.

May it Please y^r Hon^{rs}

We have Included the Commissary's Court in the Bill with the other Courts therein Mentioned According to your Hon^{rs} Proposals, But cannot allow of giving the Several Courts the Discretionary Power Proposed of Allowing or Disallowing the Supersceding of Judgment for Money or Bills of Exchange Therefore desire the Bill may Pass as it now is.

Signed p Order M. Jenifer Cl L^o Ho

And Sent to the Upper House by M^r Turbutt and M^r Warfield. They Return and Say They have Delivered it.

A Bill for Reviving An Act for Relieving the Inhabitants of this province from Aggrievances in Prosecution of Suits at Law,

A Bill for Reviving and Continuing An Act Intituled An Act for Regulating of Ordinarys,

A Bill for Reviving the Act for raising three pence p hogshead

A Bill for Reviveing the Act Ascertaining the Gauge and L. H. J.
Tare of Tobacco Hogsheads &c

Were Severally Read the first and Second Times by Especiall Order and past which being Severally so Endorst were Sent to the Upper House by Coll Mackall and three Others. p. 32

They Return and Say they Delivered them.

Coll^r Ward from the Upper House Delivers M^r Speaker the following Message Viz:

By the Upp^r House of Assembly July the 26th 1721
Gentlemen.

Waving all Disputes about the Ancient Customs and Privileges of your House (which yet we Cannot Agree you have any Title to in Manner Set forth in your Message of this Day by M^r Lee and M^r Benson) The mutual Agreement and Good Correspondence, that always ought to Subsist between the two Houses gave us a great Deal of Reason to believe that we should have not been Denied the perusal of his Lordship's Speech For if we had Required it as being a Branch of the Legislature, to whom it was in the first Place Addressed; We should not in Our Opinion have Exceeded that Measure of Right, which is justly due to the Precheminency both in the Order and Dignity of our House: but we were not for Prolonging the Sessions, nor Spending Our Countrys Money in Trifling Debates and therefore Contented Ourselves in Requesting barely the perusall of the Original Speech with design only to Correct the Errors that we imagine are to be found in the Copy Attested and Sent us by the Clerk of your House. But that we may inform you in this Matter (which you seem at present to Misapprehend,) we take that Speech to be the Govern^{rs} proper Authority, for Delivering in his Lordship's name the Subject Matter of it, and which Certainly neither belongs to you nor us, otherwise than as we have the Favour of our Perusing it for the Refreshing of our Memories, and Entring it Correctly on Our Respective Journals

Signed p Order. John Beale Cl. Up. Ho:

Thomas Bordley and James Bowles Esq^r from the Upper p. 33
House delivered M^r Speaker the following Message Viz.

A Bill for Reviving the Act for Relieveing the Inhabitants of this Province from some Agrievances in the prosecution of Suits at Law,

A Bill for Reviveing the Act for Raising the three pence p
Hogshead

L. H. J. A Bill for Reviving the Act Ascertaining the Gauge and Tare of Tobacco Hogsheads &c. Severally thus Endorst Viz.

By the Upper House of Assembly July the 26th 1721.

Read and will Pass.

Signed p Order. John Beale Cl Up Ho

Which being Read again Past for Engrossing & were Sent to the Committee of Laws to be Engrost.

The House Adjourns till to Morrow Morning Eight of the Clock.

Thursday Morning July 27th 1721

The house Meets According to Adjournment Yesterday's Proceedings are Read.

The Petition of Gustavus Hesselius for his own & his Daughter Mary's Naturalization is Read and Leave given to bring in a Bill as prayed.

James Bowles Esq^r from the Upper House delivers M^r Speaker the Petition of Sundry Persons concerned in the Trade at Upper Marlburgh thus Endorst Viz:

By the Upper House of Assembly July the 27th 1721.

The within Petition being Read, the Consideration thereof is refer'd to the Lower House of Assembly.

Signed p Order. John Beale Clk. Up. ho.

Which being Read Leave is Given to bring in a Bill as prayed, with Liberty of eighteen Months for building their Chimneys.

The Petitions of the Inhabitants of Prince George's County for Leave to bring in a Bill to make a further Provision
p. 34 towards Building a Prison And finishing Prince Georges County Court House is Read and Leave given to Bring in a Bill for Levying twelve Pounds of Tobacco p Poll for the Same.

Coll. Ward from the Upper House delivers M^r Speaker the Bill for Confirming Robert Anderson's Will thus Endorst viz:

By the Upper House of Assembly

July the 27th 1721.

Gentlemen. On Reading the within Bill and hearing the Allegations of the Parties as well for as against the Bill, it

Appeareth to this House, that the Petitioners for the Bill have L. H. J. great Equity on their Parts for the Passing the same: but that they are no ways Relievable by the Ordinary Courts of Judicature; the Prayer thereof being against a Paragraph of the Act of Parliament for preventing Fraud and Perjuries. Wherefore for that the Petitioners for the Bill are not otherwise Relievable, we think it highly Reasonable the Bill do Pass.

Signed p Order. John Beale Clk Up. ho

Which being Read Past for Engroseing and was Sent to the Committee of Laws to be Engrost.

The House Adjourns till One of the Clock in the Afternoon.

Post Merediem

The House meets According to Adjournment.

Thomas Bordley Esq^r from the Upper House delivers M^r Speaker the Petition of Thomas Magraw for an Allowance for keeping Guard over One W^m Vantreasidonk Riddlesden thus Endorsed Viz.

By the Upper House of Assembly

July 27th 1721.

Gentlemen.

p. 35

Upon Reading and Considering the within Petition we think it Reasonable to Referr the Petitioner to the Gunner for his Journey to him who ought to attend his Station or provide a person to give him Notice when Occasion requires: but as to his Attending as a Guard it being by Order of the Provincial Court for the better bringing an Arch Criminal to Justice, as appears by a Record of that Court, We Recommend it as Reasonable to be paid by the Publick.

Signed p Order John Beale Cler Up Ho

Which being Read and Considered Thereupon its Ordered the Committee of Accounts allow the Same.

A Bill for the Naturalization of Christiah Geist and [others] was Read the first and second Times by Especial Order and will Pass; which was Endorsed and sent to the Upper House by M^r Tyler and M^r Crab

Who Return and say They have Delivered it.

James Bowles Esq^r from the Upper House delivers M^r

L. H. J. Speaker the Supplementary Bill to the Act for Stay of Execution after the tenth day of May yearly Thus Endorst Viz:

By the Upper House of Assembly July 27th 1721.

Gentlemen.

We thought the Judges in the Respective Courts might have been very well Trusted with the Judicial Liberty of Granting or Denying the Supersedeas proposed in Respect to the Money Debts According to the Equity of the Case before them; especially Considering, that the same Reasons do not Subsist for Money as Tobacco. Money Debts and bills of Exchange are commonly Contracted to be paid by the Going out of the Ships, which generally happens in the summer Time after the Time Limited for Stay of Executions, and such Contracts by this Law are Liable to be Defeated by those that have so little Regard to Honesty and their Characters p. 36 as to take Advantage of it; and who may probably have prevented the Creditors from suing Earlier by making him faithful promises to Comply by such Time and might perhaps likewise in Dealing been allowed a Consideration for such Promise of prompt Payment which we think the Respective Judges might have been Reasonably allowed to Judge of. Those and many such like Considerations Naturally arise on the proposed Amendment and we should have taken it kindly if you had given your selves the Trouble of Informing us of such Reasons as weighed with you to Reject the Proposal that we might have had the Opportunity of being Convinced by your Reasons, rather than Compelled to Drop it by your Peremptory Refusal. However Gentl to show how much we study to avoid Contest we refer these Remarks to your Consideration and Assent to the Bill either with or without Amendment

Signed p Order John Beale Clk Up. Ho

Which was Read and past for Engroseing without that Amendment and was sent to the Committee of Laws to be Engrosed.

Bill for Limiting the Continuance of Actions &c. Read the first and second Times by especial Order and will Pass; which being so Endorst and Sent to the Upper House by Coll Maxwell and M^r Tyler They Return and say they have Delivered it.

The Petition of Thom^s Boardley & Thomas Larkin Esq^{rs} Read and Referred for Hearing till to Morrow in the Afternoon

Coll. Addison from the Upper House delivered M^r Speaker L. H. J. the Bill for Naturalization of Christian Geist and Others thus Endorst Viz:

By the Upper House of Assembly July 27th 1721.

This Bill will Pass with this Amendment Viz: (They the p. 37 said Joseph Lazear Gustavus Hesselius and Christian Geist having taken the usuall Oaths to the Government appointed by Law) being inserted where noted in the Bill.

Signed p Order. John Beale Clk. Up Ho

Which being Accordingly amended past for Engrossing And Delivered the following Message Viz.

By the Upper House of Assembly July the 27th 1721.

Gentlemen. We take the Liberty to put you in mind of the Necessity of Repairing & Securing the Publick Records and Buildings. What was Resolved on as to the former, we Apprehend is not perfected; and as to the Latter there has been Nothing done. We propose it to you as prudent Provision against Accidents of fire for the Security of the Publick Buildings, that a Good Fire Engine with twenty or thirty Leather Buckets might be sent for at the Publick Charge to be Lodged in some one of these Buildings for the Publick Use. And we think it would be a further Security to these Buildings were there such Provision Made by a Publick Act for the City of Annapolis, as has been proposed for Marlburgh and also that Oxford may be included in that Provision.

Signed p Order. John Beale Clk Up. Ho

On Reading whereof It is Ordered that Robert Ungle Esq^r Treasurer of the Eastern Shore send for an Engine and Buckets accordingly of the Value of twenty Pounds Sterling

Coll Tilghman from the Upper House delivers M^r Speaker the Bill for Limiting the Continuance of Actions thus Endorst Viz:

By the Upper House of Assembly July 27th 1721

Gentlemen

This Bill being Read tis proposed the Word (her) in the p. 38 first Sheet be Struck Out and alsoe the Fine on the Attorneys would be more properly Applied if it were made to the Lord Proprietary the one Half to his Lordship for the use of

L. H. J. Schools &c and the other Half to the party Grieved; with which Amendments the Bill will Pass.

Signed p Order. John Beale. Clk. Up. Ho.

which being Accordingly Amended and Read Past for Engrossing and was Sent to the Committee of Laws to be Engrost.

The house Adjourns till to Morrow Morning Eight a Clock.

Fryday Morning July the 28th 1721

The House meets According to Adjournment

Yesterday's Proceedings are Read.

On Reading Yesterday's Message by Coll. Addison,

Resolved that the Stadt House be new Shingled and the Magazine Repaired And Ordered that Coll. Woolford and M^r Lloyd goe and see in what Condition the Powder house is, and to make their Report thereon to this House.

An Engrost Bill for Reviving of An Act for Raising a Duty of three Pence p Hogshead on all Tobacco Exported out of this province for the uses therein Mentioned.

An Engrost Bill for Reviving An Act for Relieving the Inhabitants of this Province from some Aggrievances.

An Engrost Bill for Reviving the Act for Ascertaining the Gauge and Tare of Tob^o hh^{ds} &c were severally Read and Endorst thus Viz.

July the 27th 1721.

Read and Assented to by the Lower House of Assembly.

Signed p Order M. Jenifer Clk Lo ho.

And Sent to the Upper house by M^r Garret and M^r Turbutt, Who Return and say they Delivered them.

p. 39 Ordered that the following Message be prepared Viz.

By the Lower House of Assembly July the 28th 1721.

May it Please Your Hon^{rs} Your Message by Coll Thomas Addison hath been taken into Consideration, and we assure you, that we heartily join with your Hon^{rs} as to the Necessity of Repairing both the Publick Buildings and Records as well as a further Necessity of Sending for a Fire Engine. To Comply therewith we have agreed to New Shingle this House and to mend the Magazine house and Repair the Powder House; and when these Repairs are made it will be then Time to take the Repairs of the Records into Our Consideration.

We have alsoe Order'd the Treasurer of the Eastern Shore ^{L. H. J.} to send for a Fire Engine with a Large Quantity of Buckets of about twenty pounds Value to be Lodged as you Desire and have made a Resolve to bring in a Bill to Disable any person from keeping Publick Houses in the City of Annapolis unless they build Brick Chimneys as well at Oxford and Upper Marlburgh

And Sent to the Upper House by M^r Lloyd and M^r Crab. They Return and say they Delivered it.

Coll Woolford and M^r Lloyd Report that the Powder House is in a Very Bad Condition.

Thereupon its agreed with M^r George Dashiell that he shall Deliver at Annapolis for the use of the Publick Twelve hundred foot of Quartered sawed Inch Plank Clear of Any Sap for which he is to be Allowed at the Rate of One Penny p foot Currency.

The Petition of William Bozman and Sarah his wife being Read is Refer'd till the next Sessions and Ordered that the parties Concerned have Notice thereof, that if they think fit they make their Objections thereto,

Ordered the following Message be prepared Viz.

By the Lower House of Assembly

July the 28th 1721.

May it Please your Hon^{rs}

p. 40

We have Debated your Hon^{rs} Message of the 26th Instant by Coll: Addison & Coll: Tilghman on the Militia Act and are Still of the same Opinion as we Mentioned in our former Message of the 24th Instant by Coll: Mackall and Coll. Hynson,

Signed p Order. M. Jenifer Cl Lo. Ho

And Sent to the Upper house by M^r Walter Smith and M^r Warfield, Who Return and say They have Delivered it.

The House Adjourns till One of the Clock in the Afternoon.

Post Meridiem.

The House Meets According to Adjournment.

A Bill Empowering the Justices of Prince George's County to Levy twelve pounds of Tobacco p poll on all Taxables within the said County for the use therein Mentioned was Read the first and Second Times and past which was so Endorsed and sent to the Upper House by M^r Lee and M^r Tyler, Who Return & Say they have Delivered it.

L. H. J. A Bill for Preventing the Making Trashey Tobacco and for Bettering the Staple of this Province was Read the first and Second Times by Especial Order

And the Question was Put whether it shall Pass or not?

Carried in the Affirmative by the Majority of Votes. Whereupon the same is Past and Sent to the Upper House by the Gent of the Committee of Laws and Six others.

Who Return and say they Delivered it.

Coll: Ward from the Upper House delivers M^r Speaker the Reviving Bill for the Regulating Ordinarys thus Endorst Viz:

p. 41 By the Upper House of Assembly, July the 28th 1721.

Gentlemen;

Whereas in One Paragraph of the within Act It is Contained, That no person or persons Inhabiting within this Province, not haveing Lawfull Licence shall sell by Retail Unless Sold at the Common and usuall Rates of such Liquors between Merchants and Others any Cider, Quince Drink or other Strong Liquors to be Drunk in his her or their Houses, or about his her or their Plantation on the fforfeiture therein Mentioned: which words (unless sold at the Common and usuall Rates of such Liquors between Merchants and others) have been found to give Countenance to many evill practices Among Handicraft men and Labourers to the great Damage of themselves and Families as well as the Evil Example of others. Be it therefore Enacted, that the said Words (unless sold at the Common and usual Rates of such Liquors between Merchants and others) and the whole force Power and Efficacy thereof be and is hereby wholly taken away. We Do further Recommend it to your House, if you see proper to prohibit all persons having Licence to keep Ordinary from selling Spirits and other strong Liquors in Other Houses or at other Places than they have Allowance to vend them in at the Time of the Granting their Licences (the County Court Houses in Court Time, only Excepted where noe Ordinary keepers Live) and Under the forfeiture in the said Law mentioned.

Signed p Order. John Beale Cl Up. Ho

Thereupon the Question was put Whether the Law shall stand as it is without any Alteration or not?

Carried in the Affirmative by the Majority of Votes.

Ordered that Thomas Bordley and Thomas Larkin Esq^{rs} Appear on Monday Morning next to make good their Right to the Town Pasture.

The House adjourns till to Morrow Morning Eight of L H. J. the Clock.

Saturday July the 29th 1721.

p. 42

The House meets According to Adjournment

Yesterday's proceedings are Read.

The Petition of John Watkins is Read and Referred till next Sessions. The Petition of Joseph Brown Refer'd to this Day is Read, and the Question being put whether the Petition shall be Rejected or not?

Carried in the Affirmative by the Majority of Votes.

Whereupon the Petition is Rejected.

A Bill for Explaining and Confirming William Bozman's Will is Read and all Parties Concerned Appearing in this House, the Heirs at Law of the said John Bozman as also M^r Merrick Ellis who is some what Interested therein; who making no Objections against the passing thereof, Thereupon the same is Past Nemine Contradicente, which was so Endorst.

And the Bill for Reviving the Act for Regulateing of Ordinaries is Read and Ordered to be thus Endorst Viz:

By the Lower House of Assembly July the 29th 1721

May it Please your Hon^{rs} On Reading and Considering your Endorsment on the within Bill this House are not willing to put a greater Restraint on the People of this Province and therefore desire your Concurrence with us in passing the within Bill as it now is.

Signed p Order. M Jenifer Clk L^o Ho

Both which Bills were sent to the Upper House by Cap^t Jones & M^r Wales

They Return and say They Delivered them.

An Engrost Bill to Limit the Continuance of Actions in Several Courts in this Province and Ascertainning the Manner of taking the Evidence of Seafaring men, and for Granting Appeals from the Chancery Court to the Govern^r and Council was Read & Assented to by this House and was so Endorst and sent to the Upper House by M^r Crabb and M^r Clayton. p. 43

They Return and Say they Delivered it.

The House Adjourns till One of the Clock in the Afternoon.

Post Meridiem

The House meets According to Adjournment, And Adjourned till Monday Morning Eight of the Clock.

L. H. J.

Monday Morning July 31st 1721

The House meets According to Adjournment,

Saturdays Proceedings are Read

An Engrosst Supplementary Bill to the Act for stay of Execution after the Tenth day of May yearly was Read and Assented to, and so Endorst was sent to the Upper House by M^r Tyler and M^r Smith. They Return and say They Delivered it.

Coll. Addison from the Upper House delivers M^r Speaker the Bill for Levying twelve pounds of Tobacco p poll in Prince George's County thus Endorst Viz.

By the Upper House of Assembly July the 29th 1721.

The within Bill being Read will Pass.

Signed p Order Jn^o Beale Cl Up. h^o

Which being Read again Past for Engrossing And was sent to the Committee of Laws to be Engrost. On Reading the Petition of John Macclester and Hearing the Allegations of all Parties the Question was put whether a Bill shall be brought in or it be Referred?

Carried by the Majority of Votes that it be Refer'd till next Sessions Whereupon the same is Refered Accordingly.

Col Ward and Thomas Bordley Esq^r Deliver M^r Speaker the following Message Viz:

By the Upper House of Assembly July the 31st 1721.

p. 44 Gentlemen,

As by your Answer to our first Message relating to the Militia Law, we in our Reply shew'd you wherein you had Misapprehended us; so are we now under the like Obligation of Observing to you that by your Message of the 28th Instant (wherein you are Still of the same Opinion) We have Reason to doubt, You are under the same Misapprehension as before: and therefore we think our Selves obliged again to acquaint you that we do not propose a New Punishment by a New Act but to Render the Execution and Infliction of the Old Law and Punishment Practicable.

If notwithstanding this you still persist in your Opinion, we shall Content Our selves with having discharged our Duties therein and leave the Consequences at your Door.

Signed p Order. John Beale Clk. Up. ho

The House Adjourns till One a Clock in the Afternoon.

Post Meridiem.

L. H. J.

The House meets According to Adjournment

The Petition of Thomas Bordley and Tho^s Larkin Esq^{rs} is Referred till the next Sessions and M^r James Heath is desired to give this House what Information he can relating to the Town Land.

The Question was put whether the former Vote against Pedlars shall be resumed or not?

Carried in the Affirmative by the Majority of Votes.

Then the Question was put Whether a Bill shall be brought in or not? Carried in the Affirmative by the Majority of Votes, And Ordered that the Committee of Laws prepare p. 45 a Bill accordingly.

The Letter of Samuel Young Esq^r praying that the Publick would take Care of the Ballance of thirteen hundred and two pounds five Shillings and four pence half penny Currency in his Hands due to the Free Schools is Read and thus Endorst Viz:

By the Lower house of Assembly

July 31st 1721

May it Please Your Hon^{rs} The within Letter is Recommended to your Hon^{rs} and we Desire you would be pleased to Join with us in Such Proper Methods for the Disposing thereof to the Severall Countys as to your Hon^{rs} shall seem meet.

Signed p Order. M. Jenifer Clk. Lo Ho

And Sent to the Upper House by M^r Rousby and M^r Lloyd, Who Return and say They have Delivered it.

Ordered that the Committee of Accounts Allow John Gould in Money for his whole Allowance as Clerk Assistant in this House at the Rate of eight Shillings and four pence p hundred. Ordered that the former Allowance of Eight Pounds to the Speaker and four Pounds to the Clerk On the Removing Prince Georges County Court House formerly Past be paid by the Justices of the said County out of the Assessment of Twelve pounds of Tob^o p poll.

An Engrossed Bill for Supplying Defects in Robert Anderson's Will, And

An Engrosed Bill for Levying twelve pounds of Tobacco p poll in Prince Georges County being Severally Read were Assented to and Sent to the Upper House by M^r Tyler and M^r Mariarte, Who Return & say they Delivered them.

L. H. J. James Bowles Esq^r from the Upper House Delivers M^r Speaker John Talbot's account thus Endorst viz:

By the Upper House of Assembly July the 31st 1721.

p. 46 Gentlemen. Whereas the within John Talbot Merchant was Desired by the Governor & Council to Attend at Annapolis in Order to be sent on a Journey to Conustogoe with a Message from the Govern^r to the Indians, for the Countreys Service; which was prevented upon hearing from the said Indians Yet Nevertheless by Occasion thereof the within Expences have Accrued. We therefore referr the said John Talbot to your House for An Allowance for the same as also for his Own trouble & Loss of Time and for his Men and Horses.

Signed p Order. John Beale Clk Up. Ho

Which was Read and ordered the Committee of Accounts Allow him four pounds thirteen Shillings in full.

The House Adjourns till to Morrow Morning Eight a Clock.

Tuesday Morning August the 1st 1721

The House meets According to Adjournment

Yesterdays Proceedings are Read.

On the Representation of the Committee of Accounts,

Resolved that his Hon^r the Govern^r be Allowed forty five pounds Current Money for his Rent the year past

A Bill for the Relief of John Connoway a Languishing Prisoner was Read the first & Second Times by Especial Order and past.

Which was so Endorst and sent to the Upper House by M^r Hill and M^r Warfield.

They Return and Say they Delivered it.

Coll Addison from the Upper House Delivers M^r Speaker Francis Bowes account amounting to Nineteen pounds ten Shillings for Entertaining Sundry Indians by order of the Govern^r and Council thus Endorst Viz:

By the Upper House of Assembly August the 1st 1721.

p. 47 Gentlemen.

The within Indians (among which was Towena a Great man of the Sinequas and the King of the Tusqueroras) for which the within Account was Charged were sent to the within ffrancis Bowes by Order of the Governour and Councill;

they the said Indians having Come to wait on the Govern^r to L. H. J. make a Treaty of Peace with him toward a Reconciliation of Some Differences with some of the Inhabitants of Prince Georges County. Wherefore We Referr the said Bowes to your House for an Allowance of the within Account.

Signed p Order. Jno Beale Clk Up. Ho.

Thereupon Ordered that the Committee of Accounts allow the Same.

An Engrost Bill for naturalization of Christian Geist and others being Read and Assented to and was so Endorsed and Sent to the Upper House by M^r Tyler and Cap^t Jones. They Return and say They have Delivered it.

The House adjourns till One a Clock in the Afternoon.

Post Merediem.

The House Meets According to Adjournment.

Ordered the following Message be prepared Viz:

By the Lower House of Assembly

August the 1st 1721.

May it Please Your Hon^{rs}

The Act for Regulateing the Militia being to Expire next Sessions, by which Time if the Inconveniences Complained of seem Necessary [to be] Redressed we shall then make the Proper Provisions against them Therefore we desire any further Debate thereon may be Referred to the next Sessions.

Signed p Order. M Jenifer Cl. L^o Ho

And Sent to the Upper House by Coll. Maxwell and three Others they Return and say They have Delivered it.

Coll: Addison and two Others from the Upper House Deliver M^r Speaker the following Message Viz:

By the Upper House of Assembly

p. 48

August the 1st 1721.

Gentlemen On Consideration of the Bill herewith sent, we find It would be Contrary to an Express Instruction from the Crown, should Any Act be Past to affect the Trade of Great Brittain so much as the Encouraging the Hemp Manufactory in the Manner you propose would, unless it were made to take Effect at Least twelve Months from this Time. And as it is Evident the Regulation of the Tobacco Manufacture Amongst our selves requires a more Speedy Remedy and is

L. H. J. not within such Instruction, we Propose that whatever you Intend for the Incourageing those Manufacturies may be done by a Seperate Act, Agreeable to the Instruction. The Incouragement already given We thought Sufficient Especially Considering that we have been already Directed not to Tack two Matters of Different natures in One Bill.

What Alterations we Recommend in the Tobacco Bill (Many of which are in a Manner Litteral) you will perceive by the Marks in the Bill you sent up, and by the Bill sent you herewith, which we have Caused to be new drawn as we proposed it To which we Desire your Concurrence.

Signed p Order. John Beale Clk. Up. ho

And Deliver the Bill therein Mentioned Which was Read the first Time, And the Question being put Whether it shall be Read again or not? Carried in the Negative by the Majority of Votes.

A Bill for Laying a Fine on Pedlers and Petty Chapmen Trading into this Province was Read the first Time And the Question was put whether it shall be Read a second time or not? Carried in the Affirmative by the Majority of Votes.

p. 49 Whereupon the same was Read again and the Question was put whether the same shall Pass or not? Carried in the Affirmative by the Majority of Votes. And thereupon the same was past and sent to the Upper House by M^r Lloyd and M^r Lee.

They Return and say They have Delivered it.

A Bill Relieving and freeing the Inhabitants of this Province and others removing their Familys from any other Countrys or Colonies to settle in this Province &c was read the first Time, And the Question being put whether the Bill shall be Read a Second Time or not? Carried in the Affirmative by the Majority of Voices Thereupon the same was Read again and Past Which being so Endorsed was Sent to the Upper House by M^r Hill and M^r Lloyd. They Return and say They have Delivered it.

The House adjourns till to Morrow Morning Eight a Clock.

Wednesday August the 2^d 1721.

The House meets According to Adjournment

Yesterdays Proceedings are Read.

On Reading the Tobacco Bill the Question was put whether the Former Vote shall be Resumed for the second Reading the Bill to prevent Making Trashy Tobacco or not? Carried in

the Affirmative by the Majority of Votes. Then the Question L. H. J. was put whether they will proceed on the New Bill or Old One. Carried by the Majority of Votes That they proceed on the Old one. The Question was put whether a longer Time than the last of June shall be given for Planting Tob^o or not Carried in the negative. The Question was put whether the Clause for Encouragement of makeing Flax & Hemp shall stand as it is or not?

Carried in the Affirmative by the Majority of Votes.

p 50

The Question was put whether the whole Law shall take place the 10th of October next or not, Carried in the Affirmative by the Majoritie of Votes. The Question was put whether the whole Oath on Receivers shall be left out or only that Part that Obliges them to give Information

Carried by the Majority of Votes That Only that Part as to the Information be left out Thereupon the same was altered Accordingly and then The Question was put whether the Oath shall Stand as it is or not? Carried in the Affirmatives by the Majority of Votes.

The Question was put whether the Oath on Freighters shall stand as it is or not? Carried in the affirmative by the Majority of Votes.

And Thereupon the Bill was sent to the Committee of Laws to be Amended.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the Bill for Reviving the Act for Regulating Ordinariys thus Endorst Viz:

By the Upper House of Assembly, August the 2^d 1721.
Gentlemen.

Since you Do not think fit to Come into the Measures proposed; rather than so usefull a Regulation of the Ordinaries should be laid a side, We are willing to pass the Bill as it now Stands.

Signed p Order. John Beale Clk Up Ho

Which was Read again Ordered to be Engrost and sent to the Committee of Laws to be Engrost.

The House Adjourns till One a Clock in the afternoon.

Post Merediem.

The House meets according to Adjournment.

p. 53¹

The Bill to Prevent the Making Trashy Tob &c. was Read with the Amendments and will Pass Which being so

¹ Error in paging of the Journal; page numbers 51 and 52 are omitted.

L. H. J. Endorst Thereupon the following Message was Prepared
Viz:

By the Lower House of Assembly

August the 2^d 1721.

May it Please Y^r Hon^{rs}. We Received y^r Hon^{rs} Message by Coll: Addison and two other of the Honble Members of your House and are Concerned to find yo^r Hon^{rs} Declare it Contrary to an Instruction the passing a Law relating to the Incouragem^t of Hemp and flax without giveing Twelve Months Time ere it take Place, which however we hope be no Barr to the Passing such a Law in England, in Regard it will be at Least twelve Months ere those Commodities can be brought to any Reasonable perfection as to affect Trade. And we are rather induced to believe the Tobacco Law here-with presented to your Hon^{rs} Consideration will most readily meet y^r Approbation, Since we have Deviated as little as may be from the Scheme y^r Hon^{rs} were pleased to lay before us.

Signed p Order. M. Jenifer Cl. L^o Ho.

And sent to the Upper House by the Gentlemen of the Committee of Laws and Six Others.

They Return and Say they Delivered it.

Coll: Addison from the Upper House Delivers M^r Speaker a Supplementary Bill to the Act for publications of Marriages thus Endorst Viz:

By the Upper House of Assembly

August the 2^d 1721.

Read and will Pass.

Signed p Order. John Beale Cl: Upper house.

Which was Read and Ordered to Lie on the Table.

The house Adjourns till to Morrow Morning Eight of the Clock.

Thursday August 3^d 1721

p. 54 The House Meets according to Adjournment
Yesterdays proceedings are Read.

A Supplementary Bill to the Act for Publication of Marriages &c was Read and the Question put whether the bill shall be Amended or Rejected? Carried by the Majority of Votes That it be Amended.

Afterwards the Question was put whether the Vote shall be Resumed or not? Carried in the Affirmative by the Majority of Votes. Then the Question was put whether the Bill shall be Rejected or not? Carried in the Affirmative by a Majority of Votes and Thereupon the same is Rejected.

Coll Addison and three Others from the Upper House De- L H. J.
livered M^r Speaker the Bill to prevent making Trashey Tobacco &c thus Endorst Viz:

By the Upper House of Assembly August the 3^d 1721.

Gentlemen. This Bill being Read will Pass with the following Amendment Viz: with a Proviso that, that Part of the Law relating to Hemp and flax be not to Affect the Inhabitants of Great Brittain untill the End of twelve Months at least from the Passing this Bill; but that such Limitation of Time have no Regard to the Inhabitants or officers of this Province but that they be Obliged to take it here as if no such Limitation were made.

Signed p Order. Jno Beale Clk Up. house.

The Supplementary Bill to the Act for Publication of Mariages &c. was thus Endorst Viz:

By the Lower House of Assembly August the third 1721.

May it Please your Hon^{rs} Having duly Considered and p. 55
fully debated the Reasons in the within Bill we cannot Consent to the Passing thereof in Regard we Conceive the Law now in force Sufficiently provides against the Evils Complain'd of there being but One Instance to the Contrary fresh in Our Memories. And we are humbly of Opinion the Business of the Legislature is rather intended to punish Crimes frequently Committed, than to make Laws upon one such Transgression, which may not again happen in Many Ages And we are fearfull the Difficulties laid down in the within Bill are left more Insuperable than the Evils it Designed to Prevent.

Signed p Order. M. Jenifer Cl: Lo Ho.

And Sent to the Upper House by M^r Contee and M^r Earle. They Return and Say They have Delivered [it].

Coll: Ward from the Upper House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly August the 3^d 1721

Gentlemen. We Recommended to you when the Stadt House is Shingled that there be a Small Cupilo or Turret built thereon for the Conveniency of hoisting a Flag on Publick Occasions: the present method of Hoisting it On a Pole Stuck up in the Old Field being rather Ridiculous than a Decent Ornament to the Publick. And we take the Liberty

L. H. J. of Assuring you, that some Remarks that have been made,
That the former Cupilo and Flag staff made the House Leaky
have been Groundless for that after the Repair of it a little
p. 56 before the Fire it was perfectly Tight, and we are of Opinion
may be easily made soe again. We alsoe Observe, that the
Sum you mentioned for an Engine and Buckets is to Small
and rather Propose that you send for a Good Fire Engine to
work with four Hands to be made to play with a brass Spout
only (without Leather Trunks), and three dozen good strong
Leather Buckets and then there Can be no Danger of having
a Bad Engine bought by a Restraint of the Price,

Signed p Order Jn^o Beale Cl. Up. H^o

James Bowles Esq^r from the Upper House delivers M^r
Speaker The Bill for Relief of John Connaway thus Endorst
Viz.

By the Upper House of Assembly August the 3^d 1721.

This Bill being Read will pass.

Signed p Order. John Beale Cl Up Ho

Which was Read again and Past for Engrossing. And
Sent to the Committee of Laws to be Engrosed

Coll: Tilghman from the Upper House Delivers M^r Speaker
the Bill against Pedlars thus Endorst Viz:

By the Upper House of Assembly

August the third 1721.

Gentlemen.

On reading this Bill It is the Opinion of this House that it
is no Proper Time to Discourage the Importation of any Mer-
chandize into this Province, and that the Evil thereof might
be greater than that proposed to be Remedied by the Bill
wherefore it will not pass.

Signed p Order John Beale Cl Up^r Ho

1. The House Adjourns till One a Clock in the Afternoon.

Post Merediem

The House meets According to Adjournment.

Ordered that the Treasurer of the Eastern Shore send for
a Fire Engine to Work with four Hands to play with a Brass
Spout only (without Leather Trunks) and three dozen good
Strong Leather Buckets on the Account of the Publick.

Coll Addison from the Upper House delivers M^r Speaker L. H. J. the Bill for freeing the Inhabitants from Duties on Negroes &c thus Endorst Viz.

By the Upper House of Assembly

August the 3^d 1721.

This Bill being Read, will pass.

Signed p Order John Beale Clk. Up Ho.

Which was Read again Past for Engrossing and sent to the Committee of Laws to be Engrost

Coll Ward from the Upper House Delivers M^r Speaker the Bill for Relief of Richard Thatcher thus Endorst Viz:

By the Upper house of Assembly

August the 3^d 1721

Gentlemen.

We have heard both Parties for and against the within Bill and heard and Considered Sundry Matters of Evidence in Relation thereto; & have Great Reason to believe that the Act Entituled An Act Empowering Robert Roberts of Queen Ann's County to Sell part of a Tract of Land lying in Cecill County called New Munster late the Land of Daniel Toaes for the uses therein Mentioned, and to make Good and Valid such Sale formerly obtained by Robert Roberts for the Sale of Daniel Toaes's Land Called New Munster was Obtained by ill Practice and Upon false Suggestions; But we are likewise of Opinion, that a great Regard ought to be had to the Purchasers for Valuable Considerations, without Notice of the Present Dispute under the same Act: for that the Publick Faith and Justice of the Country are Deeply Concerned therein and therefore we referr the Passing the within Bill p. 58 untill the next Sessions; by which Time we purpose to Enquire whether there be Sufficient of the s^d Land to Satisfie the Demands of Thatcher and Massey that remain unsold by Virtue of the said first private Act; and Also to Enquire into the Conduct of the persons Concerned in Carrying on and Obtaining the said first mentioned Bill And in Order thereto we have Resolved, that Orders from this House do Issue for such persons as the Parties shall require, And Thatcher Continue in Possession till the next Sessions, According to the former Order, And that the Several Depositions and Evidences offerred concerning the same be Entered and Journald in the Proceedings of this House at the End of the Journal.

Signed p Order. John Beale Cl. Up. Ho

L. H. J. A Bill for Encouragement of Tillage and Relief of poor Debtors was Read the first & second Times by Especial Order and will Pass. Which being so Endorst was sent to the Upper House by M^r Dashiel and M^r Clayton. They Return and Say they have Delivered it.

An Engrost Bill for Reviving and Continuing an Act for Regulateing Ordinarys was Read and Assented to And being so Endorsed was Sent to the Upper House by M^r Tasker and M^r Waughop.

They Return and Say they have Delivered it.

The House Adjourns till to Morrow Morning Eight a Clock.

Fryday August 4th 1721.

The house Meets According to Adjourn^t Yesterdays proceedings are Read.

The Journal of the Committee of Accounts is Read and Ordered to be thus Endorsed Viz.

p. 59

August the 4th 1721.

Read and Assented to by the Lower House of Assembly and
Signed p Order M Jenifer Clk. L^o Ho

And Sent to the Upper House by the Gentlemen of that Committee. Who Return & Say They Delivered it.

An Engrossed Bill for preventing the making Trashy Tobacco and for Bettering the Staple of this Province being Read, and Assented to and Sent to the Upper House by the Committee of Laws, They Return and Say They have Delivered it.

An Engrost Bill for Relief of John Connaway a Languishing Prisoner being Read and Assented to is so Endorst.

And An Engrost Bill for Relieving and Freeing the Inhabitants of this Province from paying Duty for Negroes &c being Read and Assented to is so Endorst.

And Sent to the Upper House by M^r James Smith and M^r Clayton. They Return and say They have Delivered them.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the Petition of Several Poor Prisoners thus Endorst Viz.

By the Upper House of Assembly

August the 4th 1721.

Gentlemen. The within Petition being Read and Considered of, It is Recommended to your House, that such Per-

sons who had reather deliver up all that they have in the L. H. J. World, and be Sold for the Remainder of their Debts then lying in Goal; that there be a General Law impowering the several Justices of the County Courts upon such Application to them made to sell such persons so Applying and Delivering up all that they have for what Term they shall Agree upon not exceeding Seven years.

Signed p Order. John Beale Cl Up. Ho. p. 60

Thereupon the Question was put whether a Bill shall be brought in or not?

Carried in the negative by the Majority of Votes.

The following Message was Order'd to be Prepared Viz.

By the Lower House of Assembly August 4th 1721.

May it Please your Hon^{rs} We have Received your Hon^{rs} Message to us with Copy of the several Instructions to William Burnett Esq^r Govern^r of New York, first sent from his Sacred Majesty King William and Since Remitted to our Governr by Governr Burnett in which We find a Quota proposed on Our part of £650 Sterling and upon Examination [of and] Inspection into Our Journals Anno 1701/2 We find this Country addressed his then Majesty on that affair; in which Address was Mentioned Severall of those Reasons against our Raising any Supply's on that Occasion; which we hope Weighed with his then Majesty & will likewise weigh with his Present Majesty or any his Ministers, he shall be Pleased to Appoint for the Consideration thereof the Reasons therein given being so Obvious that with what farther Considerations may be Justly Added thereto, We Cannot doubt but that as a Renewment of that Demand has been hitherto for born we shall be Excused from it for the future.

Signed p Order M. Jenifer Cl. Lower Ho

And Sent to the Upper House by M^r Tyler and M^r Earle Sen^r. They Return and Say they have Delivered it.

Ordered that M^r Vachel Denton be Allowed twenty Shillings Current Money, Edward Griffith and W^m Ghiselin Ten shillings Each for Extraordinary Services. p. 61

Resolved that the Several Members and Officers of the Upper House and the Several Members and Officers of this House be allowed at the rate of Ten Shillings Current Money p Hundred for the Tobacco Due to them for the Several

L. H. J. Days Attendance more than allowed in the Journal of the Committee of Accounts. And Ordered the following Message be prepared Viz:

By the Lower House of Assembly

August the 4th 1721.

May it Please your Hon^{rs}

This House have Entered a Resolve to allow the Several Members and Officers thereof for the Several Days Attendance more than Allowed in the Journal of the Committee of Acc^{ts} due to them at the Rate of Ten Shillings Current Money p Hundred and desire to know if the same Allowance shall be made to the Several Members & Officers of your House

Signed p Order. M. Jenifer Clk L^o Ho.

And Sent to the Upper House by Coll. Woolford and M^r Dashiell. They Return & say They have Delivered it.

Resolved That the Committee for Laying the Publick Levy in Case the Tobacco shall fall short shall Allow no more than at the rate of Ten Shillings Current Money p Hundred.

The House adjourns till One a Clock in the afternoon.

Post merediem.

The House meet according to Adjournment

p. 62 A Bill for Laying the Publick Levy was read the first and Second Times by Especial Order and will Pass which was so Endorst and Sent to the Upper House by M^r Tasker and M^r Earle. They Return & say They have Delivered it.

Philemon Lloyd Esq^r from the Upper House delivers M^r Speaker the Bill for Encouragement of Tillage and Relief of Poor Debtors thus Endorst Viz:

By the Upper House of Assembly

August the 4th 1721.

Gentlemen On Reading the within Bill we are of Opinion that the Laws already made do sufficiently provide for the Encouragem^t of Tillage and Relief of Poor Debtors so far as is Consistent with Justice. Wherefore we cannot Consent to Pass this Bill.

Signed p Order. John Beale Clk Up. ho

Coll. Addison from the Upper House Delivers M^r Speaker

the Bill for Confirming William Bozman's Will, with the L. H. J. following Message thereto Annext

By the Upper House of Assembly

August the 4th 1721.

Gentlemen. On Reading the Annexed Bill and Hearing the Evidences thereon, we Esteem it a thing of more Dangerous Consequence to Admitt Any Evidence to alter the Effect of a will made so many Years since, and besides the Evidence produced us on this Occasion is so short, that we can lay no weight upon it, But on perusal of the words of the Will, we are Clearly of Opinion that the Deceased has Sufficiently Explain'd his Intention to Devise a Tennancy in Common in fee simple to the Devisees on the Conditions in the will Mentioned for that the word (Inherit) can only relate to An Inheritance and shall by Implication as well extend to the Immediate Devisees, as to those that are to take by Survivourship on Condition; and that therefor tis plain, that what the Devisor Intended by the words of Devise to the Devisees, was An Inheritance which must be a ffee; and therefore to avoid making a Law for Relief of a Person already Relievable by the Law in force, and the more Strictly to Conform to the Directions in his Lordship's Speech, We reject the Bill and Referr the Parties Petitioning for it to the Common Law for their Relief.

p. 63

Sign'd p Order. John Beale Clk Up Ho.

Coll Ward from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly August the 4th 1721

Gentlemen We Approve of your proposalls to the several Allowances to be made in Money.

Signed p Order. John Beale Cl. Up. House.

The House proceeds to Tax the Fees on the Several Bills following Viz.

To the Speaker On the Naturalization Bill for Gustavus Hesselius	£2.. 0..0
To the Clerk for Ditto	1.. 0..0
Ditto on Christian Geist To the Speaker	2.. 0..0
To the Clerk for Ditto	1.. 0..0
To the Speaker on James Gladstones Bill	1.. 0..0
To the Clerk for Ditto	0..10..0
To the Speaker on Prince George's County Bill	4.. 0..0
To the Clerk on Ditto	2.. 0..0

L. H. J. Ordered the following Message be prepared Viz.

By the Lower House of Assembly

August the 4th 1721

May it Please Your Hon^{rs}

p. 64 This House having taken into their Consideration the Continual Charge they have been at in Employing an Agent; and further weighing the small Comodity and Advantage (if any) we ever Reaped thereby; and altho during the Govern^{ts} being under the Crown the Difficulty of Access to the King's Majesty might give just Occasion to Imploy some person to negotiate for us in our affairs: yet now being well Assured how easie Access Every person may have to his Lordship, and Consequently without any Difficulty this Legislature may Convey their Thoughts from Time to Time to his Lordship as the Emergency of Affairs may require, Which Method hath induced this Branch of the Legislature to incline to be no longer at the Expence of An Agent; which We thought fit to Signifie to your Hon^{rs}, and pray Your Concurrence with these our Sentiments

Signed p Order. M Jenifer Clk L^o Ho

And Sent to the Upper House by M^r Walter Smith and M^r Dashiell. They Return and say they Delivered it.

Coll: Addison from the Upper House delivers M^r Speaker the Bill for laying the Publick Levy thus Endorst Viz:

By the Upper House of Assembly

August the 4th 1721

This Bill being Read will pass.

Signed p Order Jno Beale Clk Up House.

Which Read again Past for Engrossing & was Sent to the Committee of Laws to be Engrost.

On Reading the Rough Draught of the Address to his Lordship, the Question was put whether the Address shall be Signed by every particular Member, or by the Speaker on behalf of the whole House.

Carried by the Majority of Votes that it be Signed by the Speaker on behalf of the whole House.

p. 65 James Bowles Esq^r from the Upper House Delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly

August the 4th 1721

Gentlemen.

Forasmuch as his Lordship in his Speech to Both Houses

hath been pleased to Demonstrate the great Regard he hath L. H. J.
to the Request of, as well as great Consideration in the Prudence of his Lower House of Assembly, by Giving you an Opportunity at your own Choice to make the proper Additions to his Officer's fees, rather than by Interposing his Own Authority in the Case by Dissenting to an Act which will necessarily Subject the Good People of this Province to the Unlimited Demands of his Officers, Now seeing that in [the] whole Course of this Sessions, You have not thought fit to take Notice of that Part of his Lordship's Speech in Relation to the Act for Limitation of officers Fees,

We therefore Recommend it to your Serious Considerations, that the making the Additions proposed According to the former Acts may be much more for the Interest of this Province, than by Slighting his Lordships kind Condesension to bring on a Dissent to that Act as seems hinted to us.

Signed p Order John Beale Clk Up Ho.

Engrosed Bill for Laying the Publick Levy Read and Assented to and being so Endorst was Sent to the Upper House by M^r Contee and M^r Benson,

They Return & Say They have Delivered it.

The following Message being prepared was sent to the Upper House by Coll. Woolford & Coll Herman Viz:

By the Lower House of Assembly

August the 4th 1721.

May it Please Y^r Hon^{rs} In Answer to yo^r Message by M^r Bowles relating to Officers fees, We take Leave to Acquaint That this House in their Humble Address to his Lordship of this Day have fully Apprised his Lordship of the Reasons inducing us to make no Addition to the late Regulation; which p. 66
We are persuaded will be Satisfactory to his Lordship of whose Wisdom and Goodness We have had such ample Assurances, as Persuade us to believe his Lordship will never be Induced to Lay Greater Burthens on his Faithfull Tenants, than their Circumstances will bear.

Signed p Order M. Jenifer Cl Lo Ho.

They Return and Say They have Delivered it.

Coll: Ward from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly August the 4th 1721.
Gentlemen.

We find by your Message of the 28th of July (Amongst

L. H. J. Other things therein) that your House came to a Resolve to bring in a Bill to Disable any person from keeping Publick Houses in the City of Annapolis and Oxford, unless they Build Brick Chimneys in the Space of eighteen Months as well as at Upper Marlburgh But we find no Bill brought from your House pursuant to the said Resolve. Wherefore we desire to know what they have Done therein.

Signed p Order Jno Beale Cl Upp. Ho.

The House Adjourn till to Morrow Morning Eight a Clock.

Saturday Aug^t the 5th 1721.

The House meets According to Adjournment Yesterday's Proceedings are Read.

Ordered, that the following Message be prepared Viz:

By the Lower House of Assembly August 5th 1721.

May it Please Yo^r Hon^{rs} In Answer to your Message of the third Instant by Coll Ward M^r John Caldwell is willing for 150 pounds Sterling to Under take the Work therein Mentioned Viz: To New Shingle the Stadt House from the
p. 67 Eaves Upwards and to make Dormant Windows like those to the Magazine House, to lay a Good Platform of Cypress Plank and build a Handsome Cupiloe of Six Squares with barristers and a Good Flag Staff and to find all Necessaries for himself and Labourers and Building (Lead Glass and Nails Excepted) with which Proposal, if your Hon^{rs} Concurr we desire that one of Your House may be joined with two of Our Members that a finall Agreement may be made thereon.

Signed p Order M. Jenifer Cl. L^o Ho

And Sent to the Upper House by M^r Benson and M^r Clayton. They Return and say They have Delivered it.

Ordered the following Message be prepared Viz.

By the Lower House of Assembly

August the 5th 1721

May it Please y^r Hon^{rs} In Answer to the Message of Yesterday p Coll. Ward for the bringing in a Bill to Disable persons from keeping Ordinarys at Annapolis Oxford and Marlburgh without Building Brick Chimneys to their Houses, This House finding many Inconveniencies to Attend it have refer'd the further Consideration thereof till next Sessions.

Signed p Order M. Jenifer Cl. L^o Ho

And Sent to the Upper House by M^r Lee and M^r Benson. L. H. J.
They Return and say They have Delivered it.

John Hall Esq^r & Coll. Addison from the Upper House
Deliver M^r Speaker the following Message Viz.

By the Upper House of Assembly

August the 5th 1721

Gentlemen.

In Answer to Your Message of Yesterday by M^r Smith
and M^r Dashiell It may not be Unseasonable to put you in ^{p. 68}
Mind of the Practice of all our Neighbouring Govern^{ts} who
with out Doubt find their Account in Employing Agents, as
well to Represent upon every Turn the Wants and Con-
veniences of Each Colony as to Obviate whatsoever may be
proposed to the prejudice thereof

We are Sorry to find that any of the Members of your
House have so mean An Opinion of Coll Blackiston's Con-
duct as to make it a Question whether or no it hath been of
Any Advantage to this Province. We are all well Assured
that he hath been Indefaticable in the Service thereof by
Employing his Good Officers at Court as well as with my
Lord Proprietary upon all Occasions wherein the General
Good of this Province (to which he Declares himself at all
times to be strictly Attached) hath at any Time been brought
into Dispute. A Gentleman of Good [Interest] at Court and in
Parliament too, seems the more Necessary to us at this Time,
that by Uniting his Interest to that of our Lord Proprietary
we may hope for Success in the Negotiation of all such Pub-
lick Affairs as relate Immediately, or more Remotely to the
Interest and Trade of this Province. We have no Manner
of Inclination to Burthen our Country with unnecessary Ex-
pence: But we take it to be a Duty Incumbent on us to Advise
the Making Provision against every Unforeseen Emergency
which may happen in England: and may for want of Proper
Remedies and Applications be of Fatal Consequences to the
Weal of this Province all which Considered we are of Opinion,
that the Continuance of An Agent will Very Much Conduce
to the Publick Good and we are further of Opinion that Coll.
Blackiston who is so particularly Acquainted with the Interest
and Circumstances thereof is the properest Person to be Em- ^{p. 69}
ployed in the Negotiation of the affairs of this Province as
they may Regard the Court, the Parliament or Our Lord
Proprietary himself: for altho we are of the Same Sentiments
with you, in depending upon a very Easy and Free Access to
his Lordship's person and favour; yet the necessity remaining
as before of a Proper Person to Assist his Lordship upon
every Emergency that Respects the Common Good, we there-

L. H. J. fore propose the Continuance of a Gentleman of such Worth in the Agency and desire your Concurrence therein.

Signed p Order. Jno Beale Cl Up Ho.

The Question was put whether this House shall Concurr with the Upper House in Continuing An Agent or not? Carried in the Negative by the Majority of Votes, and Ordered that the following Message be prepared, Viz:

By the Lower House of Assembly August the 5th 1721.

May it Please y^r Hon^{rs}. This House have fully weighed the Reasons for and against the Continuing An Agent and must frankly declare their Sentiments that instead of Receiving any Advantage thereby, this Province has been at the fruitless Expence of near two Thousand pounds Mony paid at Sundry Times to the said Agent besides the Charges the Countrey has been further put to in their Debates Occasioned by that Means; neither are we Apprised of any Proprietary Government haveing Employed An Agent, Save this, for which Reasons we Continue at Our first Resolve.

Signed p Order M. Jenifer Cl. L^o Ho.

And Sent to the Upper House by M^r Stoddart & three Others. They Return & Say They have Delivered it.

Coll Tilghman from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly August the 5th 1721.

p. 70 Gentlemen. We Agree with Your Proposals in your Message of this Day by M^r Benson and M^r Clayton in Relation to the Repair of the Stadt House, and do joyn the Hon^{ble} Philemon Lloyd Esq^r of our House with two of the Members of Yours to Compleat the Agreement with M^r John Caldwell as in yours Desired.

Signed p Order. Jno Beale Cl. Up. Ho

Thereupon M^r Tasker and M^r Garret are appointed to joyn with the said Philemon Lloyd Esq^r to make the Agreement with the said M^r John Caldwell &c.

Resolved that the said Caldwell have the Use of the North End of the Stadt House to put his Shingles &c in, he leaving Room Sufficient for the Holding Courts therein

Ordered that M^r James Lloyd and M^r William Turbut see the Indians Lands (Part of which is Claimed by Major Nicholas Sewell in Dorchester County) Run out; and that

they give the said Sewell Notice of the Time of their Meeting L. H. J. and make their Report thereon to the next Assembly.

The House Adjourns till One a Clock in the Afternoon

Post Merediem

The House meets According to Adjournment.

Coll Ward and M^r Bordley Deliver M^r Speaker the following Message Viz.

By the Upper House of Assembly August the 5th 1721.
Gentlemen.

Whatever Motives have Induced your House to Lay aside our Agent we think it highly Reasonable, that you should have Communicated the same to us, who as frankly Declare Our Surprise, that you should now Depreciate the Services of a Gentleman, which by the Journals of both Houses appear to have been not Only Agreeable, but very advantageous to ^{p. 71} this Province. We must take the Liberty farther to remind you of the Extraordinaryness of your proceeding in Computing the Sum of the Expence without putting any price upon the Services done; nor need we enter into a Particular Detail thereof. The Resolves of your Own House will Clear up that Point.

We are no less Surprised that you should come to so hasty a Resolution at a Time that the New York Papers Communicated to you this Sessions makes it so Necessary to have a Gentleman of his known Integrity and Interest at Court to Negotiate An Affair of such Consequence; the very Reason for which he was at first appointed and which in Our Opinion is not Limited to Sum Required at Present; but may Subject us to future Demands of the like Nature,

These things Considered, we once more move the Continuance of Coll: Blackiston in his Agency and desire your Concurrence therein.

Signed p Order. John Beale Cl Up Ho.

James Bowles Esq^r from the Upper House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly

August the 5th 1721.

Gentlemen.

We Observe in your Message of the fourth Instant by Coll. Woolford & Coll Harman that you Acquaint us you have by your Address to his Lordship fully apprised his Lordship of

L. H. J. the Reasons inducing you to make no Addition to the late Regulation of Officers Fees, We should think it would have been somewhat agreeable to a Parliamentary Course of Proceedings, and we should have taken it Kindly if you had Acquainted us with those Reasons; that we might have had the Opportunity of Joining with you in them if Approved,
p. 72 or Shewing you our Sentiments, if otherwise; and also in Concurring with you in such other Parts of your Address, as should be found necessary for the Common Good; We Esteeming Our selves as much Concerned in all Publick Acts for the Wellfare of the Country as you are; and we are Sorry to Observe we find it Sometimes Necessary to put you in mind of it. We desire the Result of your Consideration on this Affair.

Signed p Order. Jno Beale Cl Up Ho.

John Hall Esq^r from the Upper House Delivers M^r Speaker the following Messages Viz:

By the Upper House of Assembly

August the 5th 1721.

Gentlemen.

The Nanticoke & the Choptank Indians have Complained of some Ineroachments being made by some of the Inhabitants of Dorchester County within the Bounds of their Lands (as they Conceive) and pray Redress from the Government. Upon Inspecting the Law which Enables the Governour to Grant Commissions for Determining Disputes with Indians, There seems to be some Doubt. We therefore think it Necessary to Declare our Opinions; That it may be well Lawfull for the Governour to Grant such Commission by Virtue of the Act now in fforce, to which we desire your Concurrence.

Sign^d p Order Jn^o Beale Cl Up H^o

By the Upper House of Assembly

August the 5th 1721

Gentlemen. Our Clerk acquaints us that the Clerk of Your House informs him, you refuse him Paper for the Writing
p. 73 the Proclamations, Ordered by his Honour the Governour with the Advice of the Council; for want of which he cannot get them Ready to send to the Several Countys from this Assembly.

We therefore desire you to Order your Clerk to Lodge such Quantity of the Publick Paper with the Clerk of this House,

as may be necessary for his Carrying on the Business of the L. H. J. Publick, that no Delay be Suffered for Want thereof.

Signed p Order Jno Beale Cl Up Ho.

The following Message is Prepared Viz:

By the Lower House of Assembly Aug^t 5th 1721.

May it Please Your Hon^{rs}

We are Concerned to find the Reasons offered in Our last Message to your Honours should not be Satisfactory: but that this should be lookt upon by Your Honours as a Matter of such weight as to take up so much of the Country's Time; and what ever Compliments the Journals of Each House make Manifest to have been given Coll Blackiston of Real Services This House is fully Satisfied, none has been done worthey so great a Reward; neither hath the New York Affair the least Influence to perswade us to Burthen the Country further; and we Desire to be Excused for not Esteeming it of sufficient weight to alter our well Grounded (as we hope) Resolutions. Wherefore we pray Y^r Hon^{rs} to press no farther on this Subject.

Signed p Order. M Jenifer Cl Lo Ho.

And sent to the Upper House by M^r Tyler and three more. They Return and Say They have Delivered it.

The following Message is Ordered to be prepared Viz:

By the Lower House of Assembly August the 5th 1721.

May it Please your Honours.

p. 74

This House is much Troubled that the Reasons offered by us to his Lordship in Our Address should be [Pressed] by you to be Communicated; whereas we Conceive Ourselves Obligated to give them to none save his L^d with whom We hope they will so far prevail as to incline his Lordship not to Dissent to the Act for Regulating Officers fees: and as Your House and this Differ chiefly about that Affair it would be Imprudent (as we think) to Communicate Our Reasons on that Head; and this House believes it more Parliamentary to Offer them Separately than Conjunctly with your Honours.

And as we humbly hope we have pressed things to his Lordship no farther than the Countrey's Interest did Oblige: if it should otherwise happen, the Sin will lye at Our Doors.

Signed p Order M. Jenifer Cl Lo Ho

L. H. J. And Sent to the Upper House by Cap^t Codd and M^r Earle
They Return & Say They have Delivered it.

Philemon Lloyd Esq^r from the Upper House delivers M^r
Speaker the following Message Viz:

By the Upper House of Assembly

August the 5th 1721.

Gent.

We are Informed by the Chancellor, that you refuse to
Allow him his Disbursements for the Copying the Body of
Laws that were made last Sessions, & sent Home for his
Lordships Approbation And as on perusall of the Journal of
Accounts We find no such Allowance therein, we doubt you
p. 75 forgot, that it is as Necessary for the Publick Service, that the
Laws that are made here should be sent Home to his Lord-
ship, and as Reasonable they should be paid for; as those
Copys that are sent for the use of the Several County Courts
and as this is a Matter that has always hitherto been Allowed,
we are Sorry you Should give us the Trouble of a Message on
such an Occasion and hope it is not Out of Any Pleasure you
can take in promoting Controversy with us but rather through
Mistake.

Signed p Order. John Beale Cl Up. Ho.

Ordered the following Message be Prepared Viz:

By the Lower House of Assembly

August the 5th 1721

May it Please your Hon^{rs}. In Answer to your Hon^{rs} Mes-
sage by Esq^r Hall we think fit to Acquaint you, that We have
Perused the Law relating to Differences between the English
and Indians as to Buying and Selling Liquors &c but gives
no Authority to the Governour (according to our Judgment)
to Grant a Commission to any person or persons to Ascertain
the Bounds of the Indians Lands; Neither do we Conceive it
can be done without a Short Bill being prepared for that Pur-
pose; which we leave to yo^r Consideracon

Signed p Order M. Jenifer Cl. L^o Ho.

Which Message was sent to the Upper House by Coll Wool-
ford & M^r Taylor

They Return and Say They have Delivered it.

Coll. Tilghman from the Upper House delivers M^r Speaker L. H. J. the following Message Viz.

By the Upper House of Assembly

August the 5th 1721.

Gent. We think you treat Coll: Blackiston's Conduct in Such a Manner as will give him too great a Provocation to turn his Affection for our Country into Resentment. But however since you have proceeded in this Manner and Denied p. 76 us the Liberty of further Pressing you on that Occasion, We will only desire you allow him for his years Sallary, which Ends this Month, and for such further Time as he may reasonably have Notice of his Discharge, in which we Suppose may be about three Months

Signed p Order. Jno Beale Cl Up Ho

Resolved, that John Peter Zenger print the Body of Laws this Sessions as usual and be Allowed five hundred pounds of Tob^o p Body. And that John Gould Transcribe a Body of the said Laws from the Originals to be by him Sent to the said printer; for which he is to be Allowed four Pounds Current Money in the Levy Journal.

Coll: Ward from the Upper House delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly

August the 5th 1721.

Gent.

We Observe to you that the Law for Regulating Officers fees will Expire in May next, and forasmuch as we hope there may not be Occasion for another Assembly before that Time, we therefore propose to you that a short Bill be prepared for Reviving of it.

Signed p Order Jno Beale Cl Up Ho

The following Message was prepared Viz.

By the Lower House of Assembly August the 5th 1721.

May it Please your Hon^{rs}

Your Message by Esq^r Hall this House hath Consider'd and altho we are not inclined to enter into Controversys neither are we willing to Burthen the Country with an Unnecessary Charge (as We take this to be) the Chancellor being Obliged to Remitt them and no Law gives him an Allowance; and its no Novelty for Officers to do some Services by Virtue of their p. 77

L H. J. Office. As to the Copies sent the Several Countys they are paid for by each Respective County for whose Service they are Sent, as the Law directs; and no Burthen to the Publick. Wherefore we cannot Consent to the payment of the Chancellor for Transmitting such Copies to Great Brittain.

Signed p Order. M. Jenifer Clk. L^o Ho.

And sent to the Upper House by Coll: Maxwell and Coll. ffendall.

They Return & say They have Deliver'd it.

Ordered that the Committee for Laying the Publick Levy allow and pay to the Honble. Nathaniel Blackiston Esq^r One hundred Pounds Sterling for this years Sallary, and so pro Rato till Such Time as he can Reasonably have Notice of being Discharged from his Agency.

The following Message Ordered to be prepared viz^t

By the Lower House of Assembly August the 5th 1721.
May it Please Y^r Hon^{rs}.

The House would be much Concerned to Incurr the Resentment of Coll: Blackiston, more especially in regard we rather merit (in Our Judgment) his Thanks for the Reasons before Offer'd your Honours and should it happen as you are pleased to Imagine, We are Satisfied the Power of Our Lord and Proprietary and his Love to his Tenants will be able to Check it. Coll Blackiston's Sallary is Ordered to be paid by the Committee for Assessing the Publick Levy agreeable to yo^r Desire

Signed p Order. M. Jenifer Cl. Lo Ho

And was sent to the Upper House by M^r Garret and M^r Turbutt

They Return and Say They have Delivered it.

Coll: Tilghman from the Upper House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly

August the 5th 1721.

p. 78 Gent. Had you Concurred with us in Our Message by Esq^r Hall in Relation to the Indians, it might have Saved the Time of making An Act for that Purpose: but since you are of Opinion that the Laws already made doe not Sufficiently give Authority to the Govern^r to Grant a Commission to Ascertain the Bounds of the Indians Lands and to Decide any Difference between the English and Indians in Dorchester County We desire you'l prepare a Bill for that Pur-

pose it being an affair of the Last Consequence in Order to L. H. J.
Preserve Peace with the Indians in General

Sign'd p Order. John Beale Cl. Up Ho.

Thereupon Order'd a Bill be prepared accordingly. The following Message was prepared viz.

By the Lower House of Assembly August the 5th 1721.
May it Please Your Hon^{rs}.

This House on due Consideration of the Law for Regulating Officers fees, do find the Same Perpetual unless the Arrival of our Lord Proprietary (which God Grant may soon happen) should prevent it: and Consequently no Occasion of a Reviving Bill therefore

Signed p Order. M. Jenifer Cl Lo Ho

And sent to the Upper House by Cap^t Jones & M^r Waughop. They Return & say they Delivered it.

[Bill for Ascertaining the bounds of the Indians Land read the first and Second times by Especiall Order and will Pass which was so Endorsed & Sent to the Upper house by M^r Benson and M^r Edmondson. They return and Say they Delivered it.]

Coll Ward from the Upper House Delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly

August the 5th 1721.

Gent. By Your Answer to Our Message concerning the Chancellor's Copying the Laws, We Observe you have drawn your Conclusion from a Mistaken Principle for the Chancellor is not Obliged to Remitt (as you are pleased to term it) the Laws that are made to his Lordship. We take it the same Publick that makes Laws, ought to pay the Charges of them, And this we Esteem a Necessary one; Since Our Lord Prop^{ty} cannot Judge of nor Assent to them without having them Transmitted him; which is his Right to have. And we think it strange you should still insist on this Matter, nor can we guess at the Reason of it. We desire your Calm Consideration and that if you have any well grounded Reasons to Alter so long continued an Allowance, You'l let us know them; for that as no Law Obliges any person to do his Service ex Officio; we know no Reason for it.

L. H. J. We Desire you likewise to Consider, how you would take it in us, should we Dissent to any Customary Allowances made by You, on Reasons Grounded as yours seem to be

Signed p Order. Jno Beale Cl. Up Ho.

On Reading whereof Ordered that the Committee for laying the Publick Levy Allow to his Hon^r the Chancellor One Thousand Pounds of Tobacco for the same Services, and Ord^d the following Message be Prepared Viz.

By the Lower House of Assembly

August the 5th 1721.

May it Please Your Hon^{rs}

We have Considered your last Message by Coll: Ward, and rather than prolong the Sessions by such Debates, We have Entered an Order on Our Journal that the Committee for laying the publick Levy allow One Thousand Pounds of Tobacco to the Hon^{ble} W^m Holland Esq^r Chancellor for a Body of Laws Sent Home.

Signed p Order. M. Jenifer Cl. Lo Ho.

And Sent to the Upper House by Cap^t Codd and M^r Larra-more.

They Return & Say They have Delivered it.

Thomas Bordley Esq^r from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly

August the 5th 1721.

Gent.

p. 80 We find a Mistake in the Printed Copy of the Law for Officers Fees. Occasioned Our Message in Relation thereto; and tho' we find by the Record thereof, it will not Expire by the time we Menconēd & that there is no Necessity to Revive it now; yet you will find your Selves Mistaken in it's being Perpetual as you Mention. We should be Glad you would provide against such Gross Mistakes of the printer for the future.

Signed p Order. John Beale Clk Up Ho

Coll: Tilghman from the Upper House Delivers M^r Speaker

the Bill for ascertaining the Indians Lands thus Endorst L. H. J.
Viz:

By the Upper House of Assembly

Aug^t the 5th 1721.

Gent.

This Bill will Pass with the following Amendment Viz.
(and that such Commissioners as shall be so Appointed shall be Enabled to doe all things Necessary for the doing those Indians Justice against the Trespasser, and shall have full Power to Command Obedience from all Sherifs and other persons Whatsoever, that May be necessary for the Determining the said Difference; and all Officers and Other persons therewith Concerned shall have the same Allowance Fees & Perquisites that are allowed them by Law for other such like Services and that the Commission so Granted Shall Continue in force for three Years and no longer but the Proceedings & Determinations thereon remain Perpetual) to be Added after the Word Determination in the Last Line Save one; and that the Clause for its Continuance be Struck out.

Signed p Order Jn^o Beale Cl Up: Ho:

Whereupon the Bill was Amended accordingly, Read wth the Amendments & Past for Engrossing which was so Endorst and sent to the Committee of Laws to be Engrost

Coll. Tilghman from the Upper House delivers M^r Speaker the following Message Viz.

By the [Upper] House of Assembly

August the 5th 1721.

Gent:

Towena the Senequa and George King of the Tuskaroras came after some Time to the Governour and Council and Seem'd well disposed to Peace and to make Satisfaction for the Horse they had Shot and some Other small Matters they had taken from the Englishmen they Surprized: but it was thought much more proper (after they had Shewed their Willingness) to take the Burthen thereof from them upon the Publick, which was thought much more Generous and be a good way to Avoid the Squabble that might happen on their Over rating their Commodities, and Under valuing the Poor man's Horse which was then Accordingly promised and they Very thankfully Accepted. Wherefore we propose your Agreeing to An Order for the Making Satisfaction out of the Publick at the Laying the Levy.

Signed p Order. John Beale Cl Up: Ho

L. H. J. Whereupon it is Ordered the Committee for Laying the Publick Levy Allow to the Man for the Loss of his Horse & other things, so much as the Value of them shall amount to, and

Ord^d the following Message be prepared Viz:

By the Lower House of Assembly

August the 5th 1721.

May it Please your Hon^{rs}. We have Considered your last Message by Coll. Tilghman, and have Entered an Order on Our Journal for the Committee for Laying the publick Levy to Allow the man therein Mentioned for his Horse and other things Lost according to the Value of them.

Signed p Order. M Jenifer Cl. Lo: Ho.

And sent to the Upper House by Coll: Woolford and Coll: ffendall. They Return and say They have Delivered it.

An Engrost Bill for Ascertaining the Bounds of the Indians Lands being Read and Assented to by this House and
p. 82 sent to the Upper House by M^r Turbutt and M^r Earle. They Return and say they Delivered it.

Ordered that the Treasurer of the Eastern Shore send for Sheet Lead, Glass, Nails, Lead and Oil for the Stadt House on Account of the Publick.

Thomas Bordley Esq^r from the Upper House Delivers M^r Speaker the Journal of the Committee of Accounts thus Endorst Viz.

August the 5th 1721.

Read and Assented to by the Upper House of Assembly &
Signed p Order. Jn^o Beale Cl. Up. Ho:

The following Address and Letters being Read were Severally Signed by M^r Speaker by the Order and On the behalf of the whole House and Ordered to be Entered as follows Viz:

To the Right Honble the Lord Proprietary

The Humble Address of Your Lordships Lower House
of Assembly.

May it Please your Lordship.

We your Lordship's Faithfull Tenants and People of the Lower House of Assenbly now Convened, are much Rejoyced at the Satisfaction your Lordship is Pleased to Express at the

Reception given Your Lordship's speech Among us; and that L. H. J. your Lordship's Sentiments and Ours Do exactly Concurr in promoting the Welfare of Maryland; being at the same Time Infinitely pleased to have those Considerations repeated to us by Our Governour. We beg Leave to Mention to Your Lordship Our Concern that the Supplementary Act to the Act for Ascertaining the Bounds of Land in this Province, as well as the Act it Self have not met your Lordship's Approbation; those Laws being Carefully Intended (as near as Our Circumstances here will Admitt) to square with the Laws of Great Brittain; which according to your Lordships Desire we shall always Strenuously Endeavour to Imitate as near as Possible; and with the Greatest Submission Conceive such Procedures no more Differ in Effect than the Disparity in Number between the Commissioners by those Laws Appointed p. 83 and a Jury of the Country. And further humbly Add that few or no Jurys in Court can so Uprightly determine the Bounds of Land as men, tho fewer in Number, yet of Equal or rather Superior Capacity, Actually on the Spott may or Can Do. And at the same Time Represent to your L^p unless some Act wholly or in Part Agreeing in its Directions to those Your L^p has lately been pleased to Dissent to be Enacted and made in force here, that Every Man's Property will be precarious and Liable to the Very Unjudicious Jurymen Absent from the Premisses, & totally Ignorant of the Art of Surveying, on which most Differences of this kind some what or Chiefly depend.

Happy should we be, could Our wisdom and foresight extend so far as to frame an Act Consonant to the Laws of Great Brittain which would Effectually settle the Bounds of our Land here & meet your L^{ps} Approbation. We are Assured it would much Conduce to the Happiness and Security of your People by Preventing many Tedious and Expensive Law Suits. And we beg your L^p to believe, that as we Conceive the Legislative Power highly necessary for the Regulation and Support of the Jurisdiction of the Several Courts; so we Declare that we will never Intermeddle so as to deprive them of their Judicature: but cannot at present think of Any other Law that would Answer the End Desired so Effectually as those two before Mentioned, That your Lordship was pleased to Dissent to, and humbly beg of Your Lordship to Signifie to your Lieut. Govern^r here that those two Laws or some other that would Answer the same Ends may againe be Enacted. Your Lordship's former Observations on the Proceedings of the Parliament of Great Brittain are now fresh in our Memory. And we Entirely Join with Your Lordship,

L. H. J. that in Cases Ordinary, the Legislature there never Intermeddles: but in Uncommon Cases as well the Representative Body there as here have often Interposed. Instances of both are easily made Appear especially among Ourselves, who can Readily deduce many from Our Journals of a long Time Past
 p. 84 from which we Observe that few private Acts for many Years have been Dissented to by your Lordships Noble Predecessors and Ancestors altho some of them alike or Very Little Different in Effect from those declared Null and Void by your Lordships late Speech to us.

And further we declare to Your L^p [with much Concern] Unless our Legislature is permitted to Determine some things which may be said in Strictness not to Exceed the Jurisdiction of any Court here, that the Judicature which should be Superior in its Authority to any other may soon in a Manner become useless, and the People in Time Groan under heavy Pressures,

Wherefore We humbly beg your Lordship to Reflect on the Councils of your Ancestors & to believe that this Part of the Legislature will never Intermeddle with any thing (not absolutely necessary in Our Opinion) for the Good Support of your Lordship's Government and Our own Happiness and Tranquility.

We take Leave to Assure your Lordship that as we shall ever have a most Just Regard to your Sentiments in any thing; so we shall always with the Greatest Submission Offer our Reasons to your Lordship for Disagreeing thereto.

We humbly Conceive then, that Each officer in this province, According to his Station has from the perquisites of his office, a full Compensation for his Services, as well as an Handsom Support: and if (as we Implore the Divine Mercy it may) the Staple of our Country Improve their proffits will be Double, And as a further Inducement to your L^p not to Dissent to the late Regulation we humbly offer to your Noble Consideration that the Continual Affluence of People among us will very much Augment each officers Fees incident to their Several offices. May it Please your Lordship in the Ancient Colony of Virginia altho immediately under the Crown, [the
 p. 85 fees] are not so Great as those allowed the officers here, and yet thought there Sufficient as well to maintain as Support the Dignity of the officers.

We humbly Hope these reasons joyn'd to your Lordship's Goodness may Cause a Continuance of the present Limitation. The Satisfaction with which we Received Our present Lieutenant Governour and Exprest to your L^p on that Occasion was very Just: for from his affable & Courteous

Deportment, his Wise Just Lenitive and Prudent Behaviour L. H. J. in his Administration to this Time, we do Conclude that he cannot fail of meeting his most Gracious Majesty and your Lordships Approbation. And we doubt not but his Great Endeavours in Conjunction wth your Lordship's will very much Contribute to your Lordships and Our Own Happiness.

We Humbly Implore the Wisest of Councils so to Direct Your Lordship's as that this your Province of Maryland may always flourish & Advance under your Auspicious and wise Conduct.

Signed p Order of the Lower House of Assembly
R: Ungle Speaker.

May it Please your Lordship.

In most Dutifull Manner we Offer to Your Lordship's Consideration that the Real Motives inducing us to make Choice of Coll: Nath^l Blackistone to Convey Our Thoughts and Affairs to Your Lordship were the Great Difficulties we found in Obtaining Access to the Royal and Sacred Persons of our Kings; which Motives Ceased upon your Lordship's Restoration to the Governm^t of your Noble Ancestors by the late Royal Bounty of his Present Majesty by which Means and out of the abundance of your Lordship's Meek Affable & Courteous Temper, the Powers Substituted by your Lordship may have the Freedom by way of Address to Convey their Desires to your Lordship, without further laying our Country under the (as we presume) Unnecessary Charge of An Agent. Conformable to the above Resolution we have in most humble p. 86 Manner presumed to Address your Lordship on the Subject Matter of your Late Speech delivered by the Mouth of your Lieu^t Govern^r In which we as Devoutly wish our Reasons may be of such weight with your Lordship as to Incline you to Grant the Several Requests therein Implored. We have Nothing more to Add save Expressing to Your Lordship, that the Lowness of the Tobacco Trade has induced Your Lordships Faithfull Tenants to offer a Law to be Past by Your Lordship's Lieu^{ts} Governr for Relief of Our People, without which in all Human Probability this Province must entirely Sink, and we become a Most Miserable People. We pray that God Almighty would assist your Lordship in all Your Councils, desireing no otherwise to become an Happy People, than by using Our Endeavours to make you a Great and flourishing Lord & Proprietor and with the Greatest Submission take Leave to Subscribe Ourselves Your Lordships most Obedient Servants

Signed p Order of the Lower House of Assembly
R Ungle, Speaker

L. H. J. The following Lett^r to the Hoⁿble Nath^l Blackiston Esq^r
Ordered to be Enter'd as follows Viz:

S^r We have yours of the 20th January Last whereby we Perceive how much you are Attached to us. We Do Assure you that we have not the least Cause to Suspect the Integrity in Negotiating Our Affairs committed from Time to Time to your Care. But the Government of this Province being now by Royal Bounty Restored to his L^p (now of age) to whom our Addresses may wth out any Difficulty (in our Opinion) be Immediately Transmitted, We Conceive Our Selves under no Necessity anylonger to Retain an Agent. Your Salary to this Time is Ordered to be Carefully paid you. We
p. 87 Wish you Health and remain Your ffrriends.

Signed p Order of the Lower House.

R: Ungle, Speaker.

Ordered that Coll Mackall and M^r Tyler goe to the Upper House and Aquaint his Honour the Governour that nothing of Publick Business remains before this House Unfinished. They Return and Say They have Delivered their Message.

Coll: Holland from the Upper House Acquaints M^r Speaker that his Hon^r the Governr Commands him & the whole House immediately to Attend him in the Upper House and withdrew.

Whereupon M^r Speaker with the whole House went to the Upper House; where his Honour the Governr was pleased to Enact the Several Engrost Bills following into Laws, by Sealing them with the Right Honble the Lord Proprietarys Great Seal and Endorsing them severally thus Viz.

On the Behalf of the Right Hoⁿble the Lord Proprietary of this Province. I will this be a Law.

Cha. Calvert.

N^o 1 An Engrost Bill for Reviving An Act Intituled An Act for Raising a Duty of three Pence p hh^d on all Tobacco Exported out of this Province for the uses therein mentioned.

N^o 2. An Engrost Bill for Reviving and Continuing An Act of Assembly Intituled An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

N^o 3. An Engrost Bill for Reviving & Continuing the Act for Ascertaining the Gauge & Tare of Tobacco hogsheads &c.

N^o 4. An Engrost Supplementary Bill to the Act for Stay of Executions after the tenth day of May Yearly.

N^o 5. An Engrost Bill to Limit the Continuance of L. H. Actions in Several Courts within this Province & Ascertaining^{p. 88} the Manner of taking the Evidence of Seafaring Men, and for Granting Appeals from the Chancery Court to the Governour & Council.

N^o 6. An Engrost Bill for the Naturalization of Joseph Lazear & Gustavus Hesselius and their Children and Christⁿ Geist of the City of Annapolis Gent.

N^o 7. An Engrost Bill to Confirm the Lands Devised by Robert Anderson of Prince George's County Deceased unto his three sons Robert Anderson, Cuthbert Anderson & James Anderson in ffee simple to them & their Heirs and assigns for Ever.

N^o 8. An Engrost Bill for Impowering the Justices of Prince Georges County to Levy twelve pounds of Tobacco p Poll on all the Taxables wth in the said County for the finishing their Court House and Building a Publick Prison for the Use of the said County.

N^o 9. An Engrost Bill for Preventing the Makeing of Trashy Tobacco & for Bettering the Staple of this Province.

N^o 10. An Engrost Bill for Relieving and freeing the Inhabitants of this province and others Removing their Families from any other Countrys or Colonys to Settle & Inhabit wth in this Province from paying the Duties and Impositions on Negroes for any of their Domestick Slaves.

11. An Engrost Bill for the Relief of John Connoway of Ann Arundel County a Languishing Prisoner.

12. An Engrost Bill for Reviving and Continuing An Act for the Regulating of Ordinaries.

13. An Engrost Bill for Impowering a Committee to Lay, Assess & Apportion the Publick Levy for this Present year^{p. 89} One Thousand Seven Hundred & Twenty One.

14. An Engrost Bill to Impower his Honour the Governour for the Time being to Appoint any person or persons whatsoever to Resurvey the Indians Lands and Ascertain the Bounds thereof.

And afterwards was Pleased to Express himself as follows Viz.

Gentlemen of the Upper and Lower Houses of Assembly

The Happy Conclusion of this Sessions fully Answers my Desires; And the Unanimity you have shewn in the Dispatch of these Matters I laid before you, convinces me of the Regard you have for Our Lord Prop^{ty} whose Interest is Inseperable with that of the Good People of Maryland. I must Sincerely

L. H. J. Acknowledge the Gratefull Sence of Your ffavours to me, and shall make it my Chief Study to Deserve them. I shall only Add that you will in your Several Counties Continue the Good Harmony you have shewn here, and Promote every thing that may tend to the Good of the Province.

It Remains now Gentlemen that I Prorogue you to the Last Tuesday in October next, and you are Required to take Notice that you are Accordingly so prorogued

Charles Calvert.

Afterwards M^r Speaker with the whole House return to their House where M^r Speaker resumes the Chair and reports that his Hon^r the Gov^r had thought fit to prorogue this present
p. 90 Generall Assembly to the last Tuesday in October next.

To which Time this House Accordingly prorogues it Self.

So Endeth this Eighth Sessions of Assembly since his Majesty has been graciously pleased to restore his L^{pp} the right hoñble the Lord Prop^{ty} to the Government of this province this 5th Day of August in the Sixth year of the Dominion of the right Hoñble Charles Lord Baron of Baltemore &c. Annoq. Dom. 1721.

M Jenifer Ct. L^o Ho.

A True Copy

p Phile Lloyd Dep^{ty} Sec^{ty}

Oct. 21st 1721

ACTS.¹

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, the 18th Day of July, in the 7th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq: Domini 1721, were Enacted the Laws following.

Charles Calvert Esq: Governor.

A Supplementary Act to the Act for Stay of Executions after the Tenth Day of May, yearly. Chap. IV

Whereas at a Session of Assembly begun and held at the City of Annapolis, the Twenty-sixth Day of April, Anno Domini One Thousand Seven Hundred and Fifteen, it was thought necessary for the Good and Quiet of the Inhabitants of this Province, to enact a Law, entitled, An Act for the Stay of Execution after the Tenth Day of May yearly: But forasmuch as by the aforementioned Law there is no Provision made for the Stay of any Execution issuing out of the High Court of Appeals, the High Court of Chancery, the Commissary's Court, nor of small Debts recovered before any one of the Justices of the County Courts; and this present General Assembly having taken the same into their serious Consideration, think it but just and reasonable, that all Executions issuing out of the Courts aforesaid, or Judgments in small Debts recovered before a Justice of the Peace, should be under the same Restrictions and Limitations, as to the Stay of Execution yearly, as those issuing out of the Provincial and County Courts: It is therefore prayed that it may be Enacted,

II. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the Same, That from and after the End of this present Session of Assembly, and after the Tenth Day of May in any Year, that in all Judgments or Decrees whatsoever, obtained in the High Court of Appeals, the High Court of Chancery, the Commissary's Court, or of small Debts

¹ Being the public general laws remaining in force at the date of the publication of Bacon's *Laws of Maryland at Large* (1765). The original record of the session laws is lost.

Bacon before a Justice of the Peace, against any Person whatsoever, the Persons against whom such Judgments or Decrees have been, or shall hereafter be obtained, shall have the same Liberty and Advantage, in the same Manner, and before the same Persons, of Staying such Executions, pursuant to the Directions of the aforementioned Act, in as full and ample Manner to all Intents and Purposes, as if they had been particularly mentioned therein. And that the Justice or Justices before whom Judgment for the Stay of Execution shall be confessed, shall make due Return of such Judgments to the Clerks or Registers of the Courts where such Judgments or Decrees were obtained, by them to be entered upon Record: And that the Judgments confessed for Stay of Execution for small Debts, recovered before a Justice of Peace, the Justice before whom such Judgment is confessed, shall make Return thereof to the Clerk of the County Court, who is likewise to enter the same upon Record; For entering of such Supersedeas as aforesaid, the several Clerks and Registers shall receive the same Fees mentioned in the before mentioned Act.

III. And that the several Clerks or Registers of the several Courts afore mentioned, after the Tenth Day of November in any Year, may (on Application to them made, and they are hereby impowered and required to) issue Execution, as well against the Principal as Sureties, for the Recovery of the several Sums in such Supersedeas mentioned, in the same Manner as by the aforementioned Act is directed.

Chap. IX An Act relieving and freeing the Inhabitants of this Province, and Others, removing their families from any other Countries or Colonies, to settle and inhabit within this Province, from paying the Duties and Impositions on Negroes for any of their Domestic Slaves.

Whereas by an Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-sixth Day of April, Seventeen Hundred and Fifteen, entitled, An Act laying an Imposition on Negroes, and on several sorts of Liquors imported, and also on Irish Servants, to prevent the Importing too great a Number of Irish Papists into this Province, an Imposition was laid of Twenty Shillings Sterling for every Negro imported by Land or Water into this Province. And also by another Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-eighth Day of May, Seventeen Hundred and Seventeen, entitled, An Act for laying an additional Duty of Twenty Shillings Current Money per Poll on all Irish Servants, being Papists, to prevent the Growth of Popery by the Impor-

tation of too great a Number of them into this Province; and also the additional Duty of Twenty Shillings Current Money per Poll on all Negroes, for raising a Fund for the Use of the Public Schools within the several Counties of this Province, an Imposition was laid of Twenty Shillings Current Money per Poll on all Negroes imported into this Province. But forasmuch as it hath been represented to this General Assembly as an Aggrievance and Hardship, that any the Inhabitants within this Province, having Estates in any of the neighbouring Colonies, cannot have the Liberty of removing their Negroes from their Plantations in any the neighbouring Colonies, to work upon their Lands and Plantations in this Province, without paying the Impositions mentioned in the aforementioned Acts; and likewise that it very much tends to the hinderance and preventing of many considerable Families from coming into and settling in this Province, that upon their coming they must be obliged to pay the Impositions as aforesaid, for all their domestic Slaves: For Remedy whereof, it is prayed that it may be Enacted;

II. And be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and by the Authority of the same, That from and after the End of this present Session of Assembly, no Person or Persons now inhabiting, or that shall hereafter import themselves with their Families to settle and inhabit within this Province, and shall have Occasion to Bring into, or import with them, any Negro or Negroes, being their own proper and domestic Slaves, and designed to be kept and employed by them in their own Service, shall be liable to pay the Imposition Money laid on all Negroes imported into this Province by the aforementioned Acts: Provided the Owner of such Negroes, shall, within two Days after the Importation of such Negro or Negroes, repair to the Naval Officer of the respective Port whereunto such Negroes shall be imported into this Province, and make due Entry of such Negro or Negroes by their proper Names, as their proper domestic Slaves; and likewise give Bond, with one good Security, to be taken in his Lordship's Name, by such Naval Officer, in the Sum of Five Hundred Pounds Current Money, that such Owners shall not sell or dispose of any such Negro or Negroes, for and during the Space of Three Years after such Entry made as aforesaid: And the Naval Officer, upon making such Entry and taking Bond as aforesaid, is hereby enjoined to give such Owners a Certificate of their having made due Entry of such Negroes, and giving Bond. Which Certificate shall be a sufficient Justifi-

Bacon cation and Exemption to the Owner of such Negroes, from paying the Impositions on Negroes aforementioned: And such Owner is hereby obliged to pay the Naval Officer for every such Entry, Bond and Certificate, the usual Fees allowed them by Act of Assembly.

III. And forasmuch as it may so happen, that upon the Death of the Owners of Negroes entered and exempted from paying the Duties as aforesaid, such Negroes may fall into the Hands of the Executors or Administrators, within the Time above limited, who may be under a Necessity of selling and disposing of such Negroes, that then, in every such Case, such Executor or Administrator, first paying to the Naval Officer of the said Port the Imposition Money of Twenty Shillings Sterling, and Twenty Shillings Currency, laid on Negroes by the aforementioned Acts, and taking a Permit from such Naval Officer, may, within the Time by this Act limited, sell and dispose of such Negroes; any thing in this Act to the contrary notwithstanding.

IV. And for removing any Doubts or Disputes that may hereafter arise concerning the Persons who shall be taken for, and deemed Inhabitants of this Province, so as to reap the Benefit and Advantage of the several Laws as Inhabitants; It is hereby Declared, That no other Person is hereby intended, but such as have actually lived and inhabited within this Province for the full Term of Three Years; and that they only shall reap the Benefits and Advantages as aforesaid, in their own Right, and not otherwise. The Privileges allowed by this Act always excepted.

Chap. XIV An Act to limit the Continuance of Actions in several Courts within this Province; and ascertaining the Manner of taking the Evidence of Seafaring Men; and for granting Appeals from the Chancery Court to the Governor and Council.

Whereas it is represented as an Aggrievance, the dilatory Proceedings and Continuances of Actions, in Several of the Courts of this Province; For Remedy whereof for the future; Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That all Actions now depending in any of the Courts of Law within this Province, as well as all other Actions to be commenced, may be continued to the End of the Fourth Court after the Appearance Court in any of the Courts aforesaid, and no longer, (except in Causes where Evidences are wanted from beyond Sea which is left to the

Discretion of the Court where such Case shall happen;) and ^{Bacon} that it shall and may be lawful for the several Courts aforesaid, upon the Discontinuance of any Action or Actions aforesaid (if by the Act or Default of the Plaintiff) to award him to pay the Costs; but, if by the Act or Default of the Defendant, then to give Judgment for the Plaintiff; and if thro' the Default of any Attorneys neglecting their Duty in bringing Causes to a Decision, within the Time limited by this Act, in all and every such Case, every Attorney so neglecting his Duty, to the Prejudice of his or their Client, shall, for every such Neglect in the Provincial Court, forfeit the Sum of Five Thousand Pounds of Tobacco: And for every Neglect in the County Court, the Sum of Two Thousand Pounds of Tobacco, and all Costs of suit accrued on any Action discontinued by Default of such Attorney. One Half of the aforesaid Fines to the Party grieved, the other Half to his Lordship the Lord Proprietary, to be appropriated to and for the Use and Benefit of a Public or Free-School of the County where such Fines arise; to be recovered (in his Lordship's Name) in any of the Courts of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed, and but one Imparance: Provided that the Time of Continuance of any such Suits in the Courts of Law, by Injunction in Chancery, or by allowing Infants the Benefit of the Parole-Demurr, be not accounted as Part of the Time of Limitations aforesaid.

II. And whereas it often happens that Actions are delayed by Reason the Evidences in such Suits are Seafaring Men, or others, whose Business and Employments call them out of this Province when such Actions should regularly come to Trial; Be it therefore further Enacted, by the Authority, Advice and Consent aforesaid, That the Depositions of any such Seafaring Men, or others, taken before Two Justices of any County Court of this Province, or one of the Justices of the Provincial Court, in the Presence of the adverse Party to him that requires such Depositions to be taken, if upon due Notice he thinks fit to be present, or upon Notice to refuse to be present, (the Notice being proved) shall be received as good Evidence in any of the Courts within this Province, as if such Evidence were personally present upon the Trial, and should deliver the same Viva Voce.

III. And be it further Enacted, by the Authority aforesaid, That from and after the End of this present Session of Assembly, it shall and may be lawful for any Person or Persons that shall conceive themselves aggrieved by any Decree of the Chancery Court, to have an Appeal to the Governor and

Bacon Council of this Province, for the Time being, wherein each Member shall have a full Voice.

IV. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That one Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-second Day of April, Anno Domini One Thousand Seven Hundred and Eighteen, entitled, An Act to limit the Continuance of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chancery Court to the Governor and Council; and one other Act made at a Session of Assembly begun and held at the aforesaid City of Annapolis, the Eleventh Day of October, in the Year of our Lord One Thousand Seven Hundred and Twenty, entitled, A Supplementary Act to the Act to limit the Continuance of Actions in several Courts within this Province, and ascertaining the Manner of taking the Evidence of Seafaring Men, and for granting Appeals from the Chancery Court to the Governor and Council, be, and are hereby utterly repealed and made void.

V. And be it also Enacted, That all Actions that were continued in the Provincial Court from October Court to April Court last, and from the said April Court to August or October this present Year, and all other Proceedings in the said April Court that were postponed, continued or referred to the Second Tuesday of August this present Year, be, and are hereby continued to the said Second Tuesday of October; any Thing in this, or any former Act for limiting the Continuance of Actions to the contrary notwithstanding.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, February 20-28, 1721/2.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss:

At a Sessions of Assembly begun and Held at the City of Annapolis in the Province of Maryland on Tuesday the 20th Day of February in the Eighth year of the Reign of our Sovereign Lord King George &c^a and in the Seventh year of his Lordship's Dominion &c^a Annoq Dom 1721

U. H. J.
Original
p. 1

Present

His Honour the Governour

The Honble	{	Col W ^m Holland		Col M. Tilg. Ward
		Col Sam ^l Young		James Bowles Esq ^r
		Col Rich ^d Tilghman		John Rousby Esq ^r

Members of the Upper House

Samuel Skippon of the City of Annapolis Clerk produces a Commission from his Honour the Governour authorizing him to be Clerk to his Lordship's Council within this Province, which Commission is as follows Viz.

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. To our Trusty and well Beloved Samuel Skippon of the City of Annapolis in our Province of Maryland Clk Greeting Forasmuch as we do repose Special Trust and Confidence in your Integrity, Fidelity, Cunning and Skill in Clerkship, we have thought fit and do by these Presents give and Grant unto you the said Samuel Skippon the office of Clerk to our Governour and Council of Maryland; hereby appointing authorizing & empowering you to have hold, and Exercise use and enjoy the said Office and to take and receive to your own proper use and Behoof as well the Salary usually allowed as also all and Singular other the Rights, Profits Benefits Perquisites and Advantages thereto belonging or in any wise appertaining, in as Ample manner as any of the Clerks to our said Governor and Council of Maryland used; to have hold exercise, receive and enjoy the same for and during our good Will and Pleasure Witness our Trusty and Well-Beloved Charles Calvert Esq^r our Captain General and Governour in Chief of our said Province and Territory of Maryland this 23^d Day of December in the 6th year of our Dominion &c. Annoque Domini 1721

p. 2

Charles Calvert

The
Great
Seal of
Maryland

U. H. J. Thereupon the said Samuel Skippon took the Several Oaths Appointed by Law and Signed the Oath of Abjuration and Test, and likewise took the Oath for the due Execution of his Office

Col John Mackal and M^r Robert Tyler Acquaint this House that there is a Sufficient number of their House met to proceed upon Business, and desire to know his Hon^{rs} Commands.

Whereupon Col Will^m Holland is Sent down to the Lower House to acquaint them that his Hon^r the Governor requires the Speaker and the whole House to attend him immediately in the Council Chamber

The s^d Col Holland returns & Says he has delivered the said Message

The Speaker and Lower House of Assembly give their Attendance accordingly; upon which occasion his Hon^r the Governour made the following Speech Viz.

Gentlemen of the Upper and Lower Houses

It is with the Utmost Regret that I found myself under a necessity of Convening you at this unseasonable Time of the year, but as the occasion is so evident, it Ushers with it a due Apology; for very few of the Tobacco makers can conscientiously comply with the Oaths prescribed in the late Act for meliorating Tobacco w^{ch} puts such a Stop to Trade as neither Planter or Merchant is the better by that Law. For if the people will not freight their Tobacco the Consequence to them and the Merchants is too evident to need a Comment; if they Ship without complying with the Law, it may create greater
 p. 3 Trouble to the Courts and Charge to the People than indeed ought to be wished. But as it is allowed, that a Melioration of Quality was and still continues necessary, which is the Chief Design of that Act, I doubt not, but you'll readily Agree that there is a Necessity for an Explanation or Amendment to the Law. For my Part there is nothing that is proper for you to Ask, and me to Grant, but I shall heartily concur in for the Good of Maryland

Inasmuch as through the indispensable necessity of the above occasion you are met; I thought it my Duty to Acq^t you that our most Gracious Sovereign; in a late Speech to the British Parliament, has taken the low Estate of our Trade into his Princely Consideration, and for our Relief recommended the making of Naval Stores in these parts such Instances of his Paternal and Royal Care of us, must certainly more and more endear him to all his Good Subjects And to Shew our Gratitude to the Best of Kings the least we can do,

is to Conform (what we can) with his Royal Inclinations by U. H. J. encouraging the Hemp Trade, Which our Interest and the Soyl of the Province, in many Places, invite us to.

Some Advances were made last Sessions in Relation to Hemp to pay Debts contracted in that Commodity at Six Pence p Pound, w^{ch} (if it be above the Current Price of the Market in England) will, unavoidably, raise a Clamor in the Merchants at Home, as a Bad Foundation to Support a Good Undertaking Therefore I recommend to your serious Consideration whether it would be thought convenient to Appoint proper Persons in each County, to receive all the merchantable Hemp, that shall be brought in yearly, at a Price agreeable to the market in England, and a Reward to those that bring in large Quantities; This may encourage Industry, and put People to work on a Manufacture that is not like to be precarious.

Gentlemen. I can't help taking Notice of a Report Spread, that I design to turn Several out of Commission which is entirely false and only raised to create a Misunderstanding between me and the Good People of Maryland, to whom I shall always think myself Oblig'd by the Favours I have received from them, and in particular this present General Assembly and in Return will sincerely Study the Prosperity of the Province, without any private Views of my own; And shall show the greatest Resentment to the Authors of any Reflection to the Gentlemen in Commission; finding nothing in their Conduct, but what is Agreeable with their Duty to the King, the Proprietor and the Country p. 4

Gentlemen of the Upper House of Assembly.

As in our Legislature (as near as Circumstances will permit) We endeavour by forming three Estates, to Assimilate that of our Mother Great Brittain making her our Pattern for Justice; In order to which in Reference to M^r Bordley, I must let you know that my Discharging him from giving me further Counsel (he having given me Counsel of pernicious Consequence) is not design'd to Affect him as a member of your House, if (as such) he has a Right to sit therein, which Point I desire you'll enquire into, and inform me of your Judgments thereon that Justice may be done

I shall conclude with an hearty Recommendation that you put the Greatest Dispatch to the Publick Affairs and the least Charge to the Country; And that Parties Factions and News Makers be discouraged; And in your several Counties recommend to the good People (in these Dismal Times of Trade) Bearing and forbearing what they can with Each other

Cha: Calvert

U. H. J. M^r James Lloyd and M^r Ralph Crab from the Lower House
p. 5 bring the following Message, Viz.

By the Lower House of Assembly

Feb^{ry} 20th 1721

May It please y^r Hon^{rs}

This House, in order to dispatch Business as much as in them lyes, have entred a Resolve to sit from nine of the Clock till Twelve in the Forenoon, And from Two till five in the Afternoon; and desire to know whether the Times proposed be Agreeable to your Honours.

Signed p order M: Jenifer Cl. Lo. Ho.

Whereupon it is resolv'd that the following Message be prepared Viz.

By the Upper House of Assembly

Feb 20th 1721

Gentlemen. We Approve of your Proposals as to your Times of Sitting.

Signed p Ord^r Sam^l Skippon Cl. Up. Ho.

And the Hon^{ble} Col Samuel Young carries the said Message to the Lower House; who returns and Says he deliver'd the same.

The House Adjourns till to Morrow morning nine of the Clock

Wednesday February 21st 1721

Met according to Adjournment

Present

The Hon^{ble} Charles Calvert Esq^r Governor

The Hon ^{ble}	{	Col W ^m Holland	Col M. Tilgh. Ward	} Members of the Upper House
		Col Sam ^l Young	Ja ^s Bowles Esq ^r	
		Col Rich Tilghman	John Rousby Esq ^r	

Col James Maxwell and M^r Lambert Wilmer members of the Lower House acquaint this House that they attend with Cap^t John Dorsey a member Elected for Baltemore County & Col John Ward a member elected for Cecil County to see them qualified.

p. 6 Thereupon the Several oaths appointed to be taken by Act of Assembly are administred to the said Captain John Dorsey and Col John Ward, who severally take the Several Oaths

aforesaid and Severally Signed the Oath of Abjuration and U. H. J. Test according to the Directions of the Act aforesaid and then they withdraw

M^r John Caldwell and M^r Alexander Contee from the Lower House bring the following Message Viz.

By the Lower House of Assembly

Feb. 21st 1721

May It please Y^r Hon^{rs}

This House taking into Consideracon the Inconveniences that must inevitably attend the long Continuance of an Assembly at this unseasonable Time of the year, are willing that our former References from last Sessions to this, may be further referred till the next: and also that no other new Business may be proceeded in more than what is, or shall be recommended by his Honour the Governour; and therefore Communicate these our Resolutions to your Honours to know your Sentiments thereon

Sign'd p Ord^r M: Jenifer Cl. Lo. Ho.

In answer to which the following Message is prepar'd Viz.

By the Upper House of Assembly

Feb: 21st 1721

Gentlemen. This House agrees with you in your Resolves sent by M^r John Caldwell & M^r Alex^r Contee

Signed p Ord^r Sam^l Skippon Cl. Up. ho.

And Col Richard Tilghman carries the said Message down to the Lower House; who returns and Says he deliver'd the same

The House Adjourns for two Hours

Eodem Die Afternoon

Met According to Adjournment

Present

p. 7

The Honble Charles Calvert Esq^r Governor

The Honble	{	Col W ^m Holland	Col Thomas Addison	} Members of the Upper House
		Col Sam ^l Young	Col Richard Tilghman	
		John Hall Esq ^r	James Bowles Esq ^r	
			John Rousby Esq ^r	

This House adjourns till to morrow Morning nine of the Clock

U. H. J.

Thursday February 22nd 1721

The House met according to Adjournment

Present

The Hon^{ble} Charles Calvert Esq^r Governour

The Hon ^{ble}	{ Col W ^m Holland Col Sam ^l Young John Hall Esq ^r Col Tho ^s Addison James Bowles Esq ^r John Roubsey Esq ^r }	Members of the Upper House
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M^r Benj^a Tasker and M^r Richard Warfield from the Lower House bring a Bill for the naturalization of Albert Greening and John Oeth of Ann Arundel County which Bill is thus Endorsed Viz.

By the Lower House of Assembly

Feb 22^d 1721

Read the first and Second Time by especial Order and will pass

Signed p order M. Jenifer Cl. Lo. Ho.

Whereupon the said Bill is read the first and Second Times and will pass, and order'd to be thus endorsed Viz.

By the Upper House of Assembly

Feb the 22^d 1721

Read the first and Second Times by especial order and will pass

Signed p order Sam^l Skippon Cl Up: ho.

Which Bill thus endorsed is sent by John Hall Esq^r to the Lower House Who returns and Says he has delivered the same.

M^r William Turbut and M^r Dashiels from the Lower House bring the aforesaid Bill thus endorsed.

Eodem Die Read again and past for engrossing

Signed p Order M Jenifer Cl. Lo. ho.

p. 8 The House adjourns for two Hours

Eodem Die post Meridiem

U. H. J.

The House meet according to Adjournment

Present

The Honourable Charles Calvert Esq^r Governour

The honble	{		Col Richard Tilgh-	} Members of the Upper House
		Col William Holland	man	
		Col Samuel Young	Col Mat Tilghman	
		John Hall Esq ^r	Ward	
		Col Thomas Addison.	James Bowles Esq ^r	
			John Rousby Esq ^r	

M^r James Lloyd and five other Members of the Lower House bring a Bill for explaining some doubtful Expressions in and repealing some Clauses of the Act for the preventing the making of Trashy Tobacco and for bettering the Staple of this Province. Which Bill is thus endorsed Viz.

By the Lower House of Assembly

Feb the 22^d 1721

Read the first and Second Time by especial Order and will pass

Signed p Order M: Jenifer Cl. Lo. Ho.

Whereupon the said Bill is read the first Time and ordered to be read a second Time to Morrow

This House Adjourns till to Morrow morning at nine of the Clock

Friday february 23^d 1721

The House meet according to Adjournment

Present

The Honble Charles Calvert Esq^r Governour

The Honble	{	Col W ^m Holland	Col Rich ^d Tilghman	} Members of the Upper House
		Col. Sam ^l Young	Col M. Tilghman Ward	
		John Hall Esq ^r	James Bowles Esq ^r	
		Col Tho ^s Addison	John Rousby Esq ^r	

The Upper House of Assembly by Col William Holland one of their Members deliver to his Honour the Governour their Answer to the Speech made to them and the Lower House of p. 9

U. H. J. Assembly in the Council Chamber on Tuesday the 20th of this Instant February Which Answer is as follows Viz.

By the Upper House of Assembly

Feb 23^d 1721

May it please your Honour.

With the greatest Sense of Gratitude We observe the Regret you are pleased to express, at the Trouble and Charge given to the Inhabitants of this Province, by calling an Assembly at this Unseasonable Time of the year; and We are so well convinced by the many Instances Which We have heretofore had, of your Honours good Inclinations to promote the Publick Interest, that We believe nothing but a pressing necessity could have induced you to convene the present Assembly. And we cannot but acknowledge that the unhappy Manner of wording the Law already made for bettering the Quality of Tobacco within this Province has given too great occasion to Persons who do not so much consider the Intention, as the Expression of that Law, to find fault with it; and to many well disposed persons to object against taking the Oaths thereby enjoin'd But as the wisest Legislators have not always been so happy, upon the first Attempt to provide proper Remedies against encreasing Evils; so we hope, we may be excused, if, after having Acknowledged the Imperfections we assiduously apply ourselves to an Amendment of them.

We cannot Sufficiently express our earnest Desires to make Suitable Returns to the Best of Kings, for his Princely Benevolence towards and his paternal Care over us upon all occasions; And particularly in the late Instance your Honour has been pleased to communicate to us, of his most gracious Speech to the Brittish Parliament, in favour of our declining Trade. And we think ourselves obliged in Gratitude to exert our Utmost Endeavours to comply with our most gracious Sovereigns Royal Inclinations, and your Honours favourable Recommendation, by taking equitable and Proper Measures to encourage the making of Hemp in this Province

It is with much Sorrow and Concern we find by your Honour's Intimation that false Reports have been spread by some ill-disposed Persons, with Design to create misunderstandings between your Honour and the good People of this Province. With just Resentment We Condemn such their pernicious Practice; And doubt not your future Administration of this Government will Sufficiently evince the falsity of

their Insinuations. And We beg Leave to Assure your U. H. J. Honour that such Reports have not, nor ever shall create any misunderstandings on our Parts, we being already by many Instances assured of your good Resolutions to promote the Prosperity of this Province; but on the Contrary that we will in our Several Stations (as in Duty and Gratitude bound) by all means and at all Times, discourage and punish the Divulgers of such false Reports, and by all our Actions endeavour to merit the generous Esteem and great Commendation, you have been pleased to express in favour of us. p. 10

We think it our Glory and Privilege that the Royal Charter to his Lordship do's permit and direct the Assimilating our Constitution, as near as may be to that of Great Britain. In order thereto (as your Honour has been pleas'd to observe) our Legislature consists of three Estates viz. his Lordship or his Governour for the Time being, And the Upper and Lower Houses of Assembly. And we find by inspecting our Journals, that the Upper House of Assembly for this Province under a Proprietary Government, was always composed of such Persons as were members of his Lordships honourable Council; and that, and only that Qualification, is, and has been thought necessary to empower any Person to act as a member in that House. We are therefore humbly of opinion in Reference to M^r Bordley, that, if he be legally discharged from being a member of his Lordships Council, he is thereby disabled and deprived of the Privilege to act as a Member in the Upper House of Assembly. But in the humblest manner we take this occasion to Offer to your Honour's Consideration, Whether it be not advisable to send for M^r Bordley, Who, when acquainted with his Offence may perhaps so far explain himself as to convince your Honour, that he had not any Intentions to give you pernicious Council; But that It was rather want of Judgment than Integrity in Him. We shall think it a Blessing, if we may be the happy Instruments of composing the Difference between your Honour and that Gentleman; for we hope it may be of Service both to his Lordship and the Good People of this Province, and no Prejudice to your Honour, for whom we have a tender and dutiful Regard

We shall, according to Your Honour's kind Recommendation diligently apply ourselves to the Dispatch of the Publick Business, with as little Charge as possible; And we hope the Several Members of this General Assembly in their particular Stations, will make it their constant Endeavour to discourage parties and factions and promote Peace and Charity amongst p. 11

U. H. J. the Inhabitants of this Province; which Method shall be strictly pursued by

May it please your Honour

Your Honour's most Obedient

humble Servants

James Bowles	Tho ^s Addison
W ^m Holland	John Rousby
Richard Tilghman	Samuel Young
M. Tilg. Ward	John Hall

To this Answer of the Members of the Upper House His Hon^r the Governour replies as follows Viz.

Gentlemen of the Upper House of Assembly.

I return you my Hearty Thanks for your most Affectionate Address; and, as I have, during my Time here, receiv'd from you the most tender Regard for my Person, so the good Inclinations you are pleased to express for the composing any Difference that has happen'd between me and M^r Bordley is very Acceptable

Cha: Calvert

Pursuant to the Desire of the Upper House Express in their Answer to his Honour's Speech His Honour the Governour gave the following Reasons for discharging M^r Bordley from the Place of a Counsellor Viz.

Gentlemen. The following is one Reason why I dismis'd M^r Bordley from giving me further Counsel

In the last Conversation I had with M^r Bordley at his own House, which was soon after last Sessions, among other Things talking of the Militia, I was Saying I could wish it had been regulated by the Assembly as propos'd by the Upper House. Upon which he made me this Answer, Your Ex^{cy} sees, the lower House will not Consent to it, therefore you must get my Lords Revenue Settled for a Term of years, and then use his Prerogative.

What M^r Bordley could mean by giving me such Counsel, & what the Consequence of such Counsel might be, I leave you all to judge. For my Part I think it my Duty, in Things of that Moment, to rely on both Houses; and I can in the Lord Proprietor's name (who has since I had the Honour to be your Governour, receiv'd ample Testimonies of your Love and Duty to him) Assure you He thinks his prerogative the Love of his faithful Tenants, he prides himself in their Happiness,

as an Essential Part of his Own: He desires to be an indulgent U. H. J.
 Father to the good People of Maryland, and by no means, to D. 12
 put the least Hardship on them. This his sweet Disposition
 and Love of Integrity and Honour, hath endeared him to all
 that have a Personal Knowledge of him

Feb^r 20th 1721/2

Char: Calvert

Gentlemen. The following is one Reason why I think M^r Bordley has endeavoured to ensnare me.

Upon my making up a Quarrel between M^r Bordley and M^r Brown, M^r Bordley told me that M^r Brown was the Publisher of a Libel, in which not only himself, but the Council were reflected on. And upon M^r Brown's Confession to M^r Bordley that he did write it, and for so doing begged his Pardon, which M^r Bordley accepted and forgave him; and at the same Time, advised me in the Words following

" If the Council think themselves touch'd in that Libel and
 " will not forgive M^r Brown as I have done, then your Ex^{cy} may
 " grant him a noli Prosequi." This Council M^r Bordley gave
 me, and I can't help thinking it was done to ensnare me, to
 bring an Odium on me in the Eyes of the Council and conse-
 quently a Slur on my Administration. For First to tell me
 the Council were reflected on, and (upon their Refusal to for-
 give it) then to put it upon me to Stop the Prosecution, it can
 bear no other Construction

Feb 20th 1721/2

Cha: Calvert

His Honour the Governour then produc'd another Paper signed by M^r Humphreys relating to the Same Matter the Contents of w^{ch} are as follows Viz.

I had the Honour to be in Company at M^r Bowes's House last Summer when his Exc^y used his Endeavours to reconcile M^r Bordley & M^r Brown upon a personal Resentment they had conceived against each other, when his good Offices seemed to have effected his Intentions; for they mutually Saluted each other and returned the Governour Thanks for his generous Interposition and M^r Bordley particularly declar'd he forgave M^r Brown with all his Heart, for writing a Letter which he then own'd himself to be the Author of, in w^{ch} M^r Bordley said he was not only himself reflected on, but Several others of the Council likewise; & he did believe they would resent it to whom M^r Brown replied with a protestation that he never intended any Reflection on Any Body but himself.

And his Ex^{cy} thereupon promising to endeavour to per- p. 13
 swade any Gentlemen of the Council (that should think them-

U. H. J. selves reflected on) to forgive M^r Brown; M^r Bordley said, Nay; if they will not comply with your Request and do, as I have done, Your Ex^{cy} may grant him a Noli prosequi Whereupon, the Governour answered, No; but that he would do his good Offices to effect it; or Words to that purpose

Annapolis Feb. 24th 1721

Tho^s Humphreys

M^r Bordley (being sent for) appears; And being ask'd by his Honour, Whether he conceived and insisted on it, that, by Virtue of His Honour's Letter of Septem^r last he was discharg'd from being a member of the Council answer'd that when he receiv'd the said Letter, he did think so, and that he was of the same Opinion still; & then he withdrew

After M^r Bordley had withdrawn His Honour exprest himself as follows

Gentlemen of the Upper House.

As the Lord Proprietor has an undoubted Right, to discharge as well as make a Councillor and that his appointment of one is the only Qualification, by which he is a Member of your House; I am of your opinion, that M^r Bordley's being legally discharg'd from the Council, of Course discharges him from the Upper house of Assembly And as to the Legality for what is done, I have particular Instructions from his Lordship, relating to M^r Bordley, with a full Power to dismiss him; Which I did not do, till that Gentleman gave me such Council that, if I had followed I firmly believe woud be of pernicious Consequence

Cha: Calvert

A Message from the Lower House of Assembly by Col John Ward and M^r Lambert Wilmer, which is as follows Viz.

By the Lower House of Assembly

Feb 23^d 1721

May it please your Honours

The Agreement intended to have been made last Sessions with M^r John Caldwell about the Repairs to be made to the Stadt House is not nor cannot yet be consummated by the Gentlemen then Appointed, by reason of M^r Philemon Lloyds Absence from Annapolis Wherefore We desire that some other member of your House may be appointed to joyn with M^r Tasker and M^r Garrett, that a final Agreement may be now made

Signed p order M Jenifer Cl. Lo. Ho.

Whereupon the following Message is prepar'd

U. H. J.
p. 14

By the Upper House of Assembly

Feb 23^d 1721

Gentlemen: In answer to your Message by Col Ward and M^r Wilmer This House appoints Col. Samuel Young, in the Room of M^r Lloyd to joyn with M^r Tasker and M^r Garret, in making a final Agreement with M^r John Caldwell, about the Repairs to be made to the Stadt House

Signed p Order Sam^l Skippon Cl Up ho.

And Col Addison carries the said Message to the Lower House; Who returns and Says he deliver'd it

The House adjourns for two Hours

Eodem Die Post Meridiem

The House meet according to Adjournment

Present

His Honour the Governour

The honble	{	Col W ^m Holland	Col Rich Tilghman	} Members		
		Col Sam ^l Young	Col M. Til: Ward		} of the	
		John Hall Esq ^r	James Bowles Esq ^r			} Upper
		Col Tho ^s Addison	John Rousby Esq ^r			

A Bill for explaining some doubtful Expressions in and repealing some Clauses of the Act for preventing the making trashy Tobacco and for bettering the staple of this Province read the second Time, and agreed that the Bill do pass with Amendments, and that Col Tilghman and Col Ward do prepare the Amendments to the said Bill

M^r W^m Turbet and M^r George Dashiels from the Lower House bring a Bill for the naturalization of Albert Greening and John Oeth of Ann Arundel County which Bill is thus endorsed Viz.

Eodem Die Read again and passed for Engrossing

Signed p order M Jenifer Cl. Lo. Ho.

This House Adjourns till to morrow Morning nine of the Clock.

U. H. J.
p. 15

Saturday Feb 24th 1721

Met according to Adjournment

Present His Honour the Governour

The honble {	Col W ^m Holland	Col Rich ^d Tilghman
	Col Sam ^t Young	Col M. Tilg. Ward
	John Hall Esq ^r	James Bowles Esq ^r
	Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper house

A Petition from Henry Lazenby High Sheriff of Anne Arundel County recommended by His Honour the Governour to this house and ordered to be thus endorsed Viz.

By the Upper house of Assembly

Feb 24th 1721

This Petition being read and Considered is recommended further for Relief to the Consideration of the Lower House

Signed p order Sam^l Skippon Cl Up: Ho.

And is sent thus endorsed by John Rousby Esq^r to the Lower House who returns and says he delivered the Same

A Bill for the Relief of Richard Thatcher and Peter Massey by Mr. Philip Lee from the Lower House, read the first and Second Time and ordered to be thus Endorsed Viz.

By the Upper House of Assembly

Feb^{ry} 24th 1721

This House having heard the Allegations on both sides, both for and against this Bill, and being Satisfied of the Justice thereof, the said Bill is read the first and second Time by especial Order and will pass.

Signed p Ord^r Sam^l Skippon Cl Up ho.

Which Bill so Endorsed is sent to the Lower House by James Bowles Esq^r who returns & says he delivered the same.

Col Tilghman and Col Ward bring in the Explanatory Bill with the Amendments which were read and ordered to be thus endorsed, Viz.

By the Upper House of Assembly

Feb 24th 1721

Gentlemen.

Upon reading and Considering the within Bill, we find that
p. 16 it not only explains, the difficult expressions in the former

Law, but also repeals those Paragraphs which lays the U. H. J.
Freighters and Receivers under the obligation of an Oath not
to Ship or receive any Tobacco not qualified according to the
Directions of that Law. And therefore forasmuch as We
cannot think the pecuniary penalties imposed sufficient to
deter all such ffreighters and Receivers from shipping or
receiving bad Tobacco and for that we are willing to quiet
the tender Consciences of those who refused to take the
Oaths before enjoined; we have herewith sent Oaths under
other Directions, such as we hope will not be refused, and
which being added to this Bill, it will pass with this Ad-
dition to the Title (and for supplying some Defects therein).

Signed p order Sam^l Skippon Cl Up: ho:

Which Bill with the Amendment thus endorsed is Sent to
the Lower House by Col Tilghman Col Ward and Esq^r
Rousby who return and say they delivered the same

A Petition in favour of Elizabeth Guibert and Thomas
Guibert her son of S^t Mary's County brought in & recom-
mended to the House by James Bowles Esq^r Read and ordered
to be endorsed

By the Upper House of Assembly

Feb 24th 1721

Read and Considered this Petition and referr'd to the
Consideration of the Lower House of Assembly

Signed p order Sam^l Skippon Cl Up. ho.

Which Petition so Endorsed is Sent to the Lower house
by Col Tilghman who returns and Says he delivered it

Petition of John Diggs of Prince Georges County read and
referred to next Sessions

Adjourn'd for two Hours

Eodem Die Post Meridiem

Present

His Honour the Governour

The Honble	{	Col W ^m Holland	Col Tho ^s Addison
		Col Samuel Young	Col Matt. Tilg. Ward
		John Hall Esq ^r	James Bowles Esq ^r
		Col Rich Tilghman	John Rousby Esq ^r
Members of the Upper House			

U. H. J. A Message from the Lower House by Col Mackal and five
p. 17 others Viz.

By the Lower House of Assembly

Feb 24th 1721

May it please Your Honours

We have read and considered the Explanatory Bill to the Act to prevent the making trashy Tobacco &c^a with the Additions and Amendments propos'd by your House, but cannot agree the Bill should pass with those Amendments; for that the imposing the Oaths therein prescribed will be a great Introduction of perjury, and as many Inconveniencies will attend the Explanatory Bill thereby, as the Act formerly past, Wherefore we desire the Bill may now pass as it stands.

Signed p Ord^r M: Jenifer Cl Lo. ho.

To which Message the following Answer is prepared Viz.

By the Upper House of Assembly.

Feb 24th 1721

Gentlemen. On reading your Message in Answer to ours relating to the Additions by us proposed to be made to the Explanatory Bill to the Act for preventing the making Trashy Tobacco &c^a We cannot conceive that those Amendments to it will be any Introduction to Perjury unless it be voluntary; for that the Oaths therein prescribed will be much easier complied with than those in the former Law, And forasmuch as the passing the Explanatory Bill as you propose it, will render the former Law ineffectual. Which Law by Sundry good Advices has already had that good Effect in Europe, that it ought to induce us to use our best Endeavours to preserve it. No Country in the World does make (if we are not wanting to Ourselves) so good Tobacco for a foreign Market as We; and we can Assure you upon the Report of our Tobacco Law in
p. 18 England the Market did rise 30^{sh} p Hogshead: and that very Law prevented the Parliament from repealing their Act in our Favour. And further, by sundry Advices we may expect Several Ships with Cargoes to purchase Tobacco in Expectation of the Continuance of our Law, which otherwise would not have ventur'd, And therefore we insist upon adding those Amendments propos'd without which We do not think it reasonable that Bill should pass

Signed p Ord^r Sam^l Skippon Cl. Up. ho.

Which answer so prepar'd is sent by Col Ward, James U. H. J. Bowles and John Rousby Esq^{rs} to the Lower House Who return and say they deliver'd it.

A Bill from the Lower house by Col Woolford & Cap^t Truman Greenfield, for the Relief of Languishing Prisoners, thus endorsed Viz.

By the Lower House of Assembly

Feb 24th 1721

Read the first and second Times by especial Order & will pass

Signed p order M: Jenifer Cl. Lo. ho.

Adjourned till Monday Morning nine of the Clock.

Monday February 26th 1721

The House meet according to Adjournment

Present

The Honble Charles Calvert Esq^r Governour

The Honble { Col Samuel Young James Bowles Esq^r
 { Col Thomas Addison John Rousby Esq^r
 { Col M: Tilgh Ward

Members of the Upper house

An Engross'd Bill from the Lower House by M^r W^m Turbut and M^r George Dashiels for the Naturalization of Albert Greening and John Oeth of Anne Arundel County and likewise

An Engross'd Bill from the Lower House by Col Jn^o Ward and Cap^t S^t Leger Codd for the Relief of Richard Thatcher and Peter Massey, thus endorsed

By the Lower House of Assembly

Eodem Die Read again and past for Engrossing

Signed p order M: Jenifer Cl. Lo. ho.

Both which Bills are Read a Third Time and assented to and are severally thus Underwritten Viz.

Feb 26th 1721

Read and Assented to by the Upper house of Assembly and

Signed p Order Sam^l Skippon Cl. Up. Ho.

U. H. J. A Bill for the Relief of Languishing Prisoners read the first Time and thereupon the following message prepar'd and agreed to (Viz)

By the Upper House of Assembly

Feb 26th 1721

Gentlemen. You will see by the memorandums herewith sent the Expence of the Imprisonment of the Prisoners propos'd to be reliev'd by the Bill, which we send you with the Sherriff of this County's Petition; which shows the Hardship he and his Goaler lyes under, if a Provision be not made in their favour. We think the Profits of the Sheriff's Office (of this County especially) will hardly bear the Loss of the Imprisonment Fees of so many Prisoners as are almost every Sessions released and therefore desire your Consideration of their Case, and a proper Relief for them, which we are perswaded you will be the readier to do when you consider the Extraordinary Expence of maintaining Prisoners at this place.

Sign'd p order Samuel Skippon Cl. Up. Ho.

Which Message with the Petition ag^t the said Bill, & the House's Assent to the two former Bills is sent to the Lower house by Col Addison who returns & says he delivered the same.

p. 20 A message from the Lower House by Col John Ward and five Others, which message is as follows Viz.

By the Lower House of Assembly

February 26th 1721

May it please Your Hon^{rs}

We have considered the reasons in your Message by Col Ward, James Bowles and John Rousby Esq^{rs} & humbly conceive they are not of sufficient weight to induce us to come into your Honours Amendments; and therefore insist on the Bill sent up by this House

Signed p Ord^r M Jenifer Cl. Lo. ho.

In answer to which the following Message is prepar'd and agreed to by the House Viz.

By the Upper House of Assembly

February the 26th 1721

Gentlemen. Since you seem so averse to comply with the Amendments propos'd by our House in Relation to the

Tobacco Law, we think fit to propose to you the passing the U. H. J. Bill prepar'd by your House so far as it is Explanatory of that Law, only excluding the Repealing Paragraph; For though we are willing to explain and Amend, we can by no means consent to repeal that Part of it unless some other Provision be made instead thereof But since we cannot agree upon any such Expedient, we think it will be much more acceptable to the good People of this Province, if we only explain the Intention of the former Law, than if we should return again without doing any Thing to Satisfy the scrupulous Consciences of those who think they cannot safely take the oaths therein prescribed.

Signed p order Sam^l Skippon Cl. Up: ho.

Which Message is sent to the Lower House by Col Young and Col Tilghman; who return and say they delivered it
Adjourned for Two Hours.

Eodem die Post Meridiem

p. 21

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Col W ^m Holland	Col Rich Tilghman
		Col Sam ^l Young	Col M. Tilgh. Ward
		John Hall Esq ^r	James Bowles Esq ^r
		Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper House.

A Message from the Lower House by Col Woolford and three Others, which is as follows, Viz.

By the Lower House of Assembly

ffbruary 26th 1721

May it please your Honours

We cant help being averse to the Amendm^{ts} propos'd by your House in the Explanatory Bill herewith Sent; since we are certain that the imposing any oaths at all will create great Heart-Burnings among the People, For which reasons as well as those mentioned in our former message on this occasion, we must insist on the Bill as prepar'd in our House

Signed p ord^r M: Jenifer Cl. Lo. Ho.

U. H. J. To which Messagè the following Answer is prepar'd and agreed to by the House Viz.

By the Upper House of Assembly

February the 26th 1721

Gentlemen. We are sorry to find you so positively resolv'd not to make any Provision by Oaths to restrain the Exportation of Trashy Tobacco out of this Province; for we do not think any other Expedient can be found that will prove so effectual for doing of it; nor can we foresee any Danger of Perjury in taking Oaths so easy to be complied with as those proposed in our Amendment of the Tobacco Law. But rather than so Beneficial a Law should be entirely lost or continued in such a manner as that many Conscientious Persons cannot comply with it, we are willing that the Explanatory Bill proposed by your House, should pass with a Paragraph added
p. 22 thereunto making the penalties mentioned in the former Law to be recovered, before any two Justices of the Peace Who shall be oblig'd within three Days after Application to them made to go and View such Tobacco And that every Person who shall discover any trashy Tobacco may seize and mark it, and shall exhibit his Information to the Justices within three Days after seizing the same; And that if the owner of such Tobacco shall convey away, or otherwise conceal such Tobacco before the Justices come to view it, he shall be adjudg'd guilty, and forfeit the Penalties of the Law, That the Tobacco so seized, if Condemned by the Justices Who are hereby directed to view the same, shall be applied to the Use of the Informer, and the party offering or paying away such Tobacco shall be obliged to pay his Debt (attempted to be discharged after that manner) over again.

Signed p order Sam^l Skippon Cl. Up. ho.

Which is sent to the Lower House by John Hall, James Bowles and John Rousby Esq^{rs} who return and say they delivered it

A message from the Lower House by M^r John Caldwell & M^r Lambert Wilmer which is as follows Viz.

By the Lower House of Assembly

February the 26th 1721

May it please your Honours.

M^r John Caldwell having mov'd this House that the Gentlemen appointed to compleat the Agreement with him in repairing the Stadt House may have power to give him orders on the

Treasurer of the Western Shore for so much money as he shall U. H. J.
have Occasion of towards carrying on the work at their Dis-
cretion; and on finishing the said Work to order him the Bal-
lance that shall be then remaining due to him; we are willing
to agree thereto, and accordingly have Entered a Resolve on
our Journal with which we desire your Honours Concurrence

Signed p order M: Jenifer Cl. Lo. Ho.

Adjourned till to Morrow morning nine a Clock.

Tuesday February the 27th 1721

p. 23

Met according to Adjournment

Present

His Honour the Governour

The Honble	{ Col W ^m Holland	Col Rich Tilghman
	Col Sam ^l Young	Col M. Tilgh. Ward
	John Hall Esq ^r	James Bowles Esq ^r
	Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper house

A message from the Lower House by M^r James Stoddert
and five Others which is as follows Viz.

By the Lower House of Assembly

February the 27th 1721

May it please Your Honours

We have debated your Honours Message of yesterday by
Esq^r Hall and two others of Your House, and are come to the
following Resolutions thereon

1st That the Penalties imposed be recover'd before any
single Justice of the Peace, in Regard Two may differ in
Opinion, and they may live so remote as it may be difficult to
procure them

2nd That on Conviction the Tobacco seiz'd shall be de-
stroyed in the presence of the Justice before whom such Con-
viction shall happen, and the Party Informing to have the
Benefit in the former Law mentioned

3rd That every Person in this Province consume his trashy
or bad Tobacco as he Strips his Crop yearly under the penalty
of one thousand Pounds of good Tobacco for every such
Offence, to be Convicted by the Oath of the party Informing
(in Case such trashy or bad Tobacco be remov'd) before any
single Justice; and if such trashy or Bad Tobacco be not

U. H. J. removed, then such Justice be required, on Complaint made, to go with the Informer or Impower some sufficient Person skilled in Tobacco to go with the Informer and View the same; & on Examination, to make his Report to the Justice in order to Acquit or Convict the Person so accused.

p. 24 4^{thly} That every Justice or such Person appointed for the better Execution of this Law have full Power to Search all tobacco Houses or other suspected Houses or Places upon Complaint made, or upon his own Suspicion of any such trashy or bad Tobacco so supposed to be therein lodged or concealed, and on such Discovery, fully to Convict Such Delinquent of the Penalty aforesaid

5^{thly} That a Penalty be impos'd on those who by themselves or Others shall pretendedly give away or receive any trashy or bad Tobacco contrary to the Intent of the Law

6^{thly} That a Fine be laid on the Justice or Person by him so appointed, who shall refuse to execute the Trusts in him reposed as Aforesaid

7^{thly} That Double Penalties be laid on those who freight their Tobacco by Reason of the Great Difficulty of detecting them in the Breach of the Law

These Alterations and Additions being Approv'd by your Honours, we shall readily concur with those Proposals in your Honours' last Message

Signed p order M: Jenifer Cl. Lo. ho.

To which Message the following Answer is prepared and Agreed to by the House Viz.

By the Upper House of Assembly

February the 27th 1721

Gentlemen. In Answer to your Message by M^r Stoddert and five other members of your House We have read and Considered the Alterations and Additions proposed by said Message and agree to the same; and desire that the Bill may be prepar'd accordingly.

Signed p Order Sam^l Skippon Cl. Up. Ho.

Which answer is Sent to the Lower House by Col Holland Col Addison and Col Tilghman who return & say they delivered the same

Adjourned for Two Hours

Eodem Die Post Meridiem

U. H. J.

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Col W ^m Holland	Col Rich. Tilghman
		Col Sam: Young	Col M. Tilgh Ward
		John Hall Esq ^r	James Bowles Esq ^r
		Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper House

A message from the Lower House by M^r Benjamin Tasker p. 25
and M^r Lambert Wilmer which is as follows Viz.

By the Lower House of Assembly

February the 27th 1721

May it please your Honours

In Answer to your Message of yesterday by Col Addison with the Bill for the Relief of sundry poor Prisoners &^a This House are willing to allow Thomas Jobson late Goaler of Annapolis Three Thousand pounds of Tobacco and to the present Goaler Charles Rivers three Thousand Pounds of Tobacco more in full for their Fees which if your Honours think Reasonable, we desire the Bill may pass in your House

Signed p ord^r M: Jenifer Cl. Lo. Ho.

Whereupon the said Bill is read a second Time and ordered to be thus endorsed viz.

By the Upper House of Assembly

February the 27th 1721

Read and will pass with the Allowance to the Goalers mention'd in your Message by M^r Benjamin Tasker and M^r Lambert Wilmer

Signed p Ord^r Sam^t Skippon Cl. Up. Ho.

And the said Bill thus Endrosed is sent by Col Thomas Addison to the Lower House who returns and says he delivered it.

The petition of the Rev^d M^r Jacob Henderson Commissary of the Western Shore, to his Honour the Governour relating to the Affairs of the Church in Baltemore County and the Encreasing the Parish of S^t Margaret's Westminster, in Anne Arundel County into a Competent Maintenance for a Minister of the Church of England having been laid by his Honour

U. H. J. before this House is read and ordered to be thus endorsed
Viz.

Gentlemen. This Petition having been recommended to
us by his Honour the Governour, has been read and consider'd
p. 26 by us & is further recommended to the Consideration of the
Lower House

Signed p ord^r Sam^l Skippon Cl. Up. ho.

Which Petition so Endorsed is sent to the Lower House
by John Hall Esq^r who returns and says he delivered it
Adjourned till to morrow morning at nine of the Clock

Wednesday February the 28th 1721

Met according to Adjournment

Present

His Honour the Governour

The Honble	Col W ^m Holland	Col. Rich ^d Tilghman
	Col Sam ^l Young	Col. M. Tilgh Ward
	John Hall Esq ^r	James Bowles Esq ^r
	Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper House

A Letter from the Rev^d M^r Jacob Henderson to his Honour
the Governour having been laid before this House by his
Honour and read is ordered to be thus Endorsed Viz.

By the Upper House of Assembly

February the 28th 1721

Gentlemen. The within Letter relating to the melancholy
Circumstances of the Inhabitants on the South side of Patap-
sco for want of a Minister's Assistance, having been laid
before us by his Honour the Governour, is recommended to
the Consideration of the Lower house

Signed p order Sam^l Skippon Cl. Up. ho.

The Message of the 26th Instant from the Lower House
by M^r John Caldwell and M^r Lambert Wilmer being read,
this House thereupon come to the following Resolution (Viz.)

Resolved that the Gentlemen appointed to compleat the
Agreement with M^r John Caldwell for repairing the Stadt
p. 27 House have Power to give him orders on the Treasurer of

the Western Shore for money to carry on the Work, at their U. H. J. Discretion; And on finishing the said work to order him the Ballance that shall then remain due.

And the following Message is prepar'd & Agreed to (viz)

By the Upper house of Assembly

February the 28th 1721

Gentlemen. We agree with you in your message of February the 26th by M^r Caldwell & M^r Wilmer members of your House and have entred a Resolve on our Journal to that Purpose

Signed p order Sam^t Skippon Cl. Up. Ho.

Which Message is sent to the Lower House by Col Tilghman, who returns and says he delivered it

The Petition of Thomas Bordley Esq^r to the Hon^{ble} Upper House of Assembly being read is ordered to be thus endorsed Viz.

By the Upper House of Assembly

February the 28th 1721

The within Petition being read, this House for answer says, that we know of no Counsel that the Petitioner has given his Honour the Governour, which he takes to be of pernicious Consequence, other than what his Honour has particularly charged him with, which has been by his Honour's order entered upon our Journal.

Signed p order Sam^l Skippon Cl. Up. Ho.

The Journal of the Committee of Accompts from the Lower House by Cap^t Codd and three others is laid before the House thus Sign'd Viz.

Feb: the 28th 1721

Read and Assented to by the lower House of Assembly &
Signed p order M. Jenifer Cl. Lo: Ho.

The said Journal having been read is Assented to by this House and order'd to be thus Sign'd Viz.

Feb: the 28th 1721

And likewise Sign'd by order of the Upper House
Sam^l Skippon Cl. Up. Ho.

U. H. J. Which Journal thus sign'd is sent to the Lower House by
p. 28 John Hall Esq^r who returns and says he delivered it

An Engross'd Bill from the Lower House for the Relief of
sundry languishing prisoners &c by M^r Robert Tyler and M^r
William Turbut

Adjourned for two Hours

Eodem Die Post Meridiem

Met according to Adjournment

Present

His Honour the Governour

The Honble	Col W ^m Holland	Col Rich Tilghman
	Col Sam ^l Young	Col M. Tilgh Ward
	John Hall Esq ^r	James Bowles Esq ^r
	Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper House

The Engross'd Bill for the Relief of Sundry languishing
Prisoners read the third Time and assented to by the House
and thereto is thus Written Viz

February the 28th 1721

Read and Assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl. Up. Ho.

A Bill from the Lower House by M^r James Stoddert and
nine others explaining some doubtful Expressions in, and
repealing some Clauses of the Act for preventing the making
of trashy Tobacco and for bettering the Staple of this Prov-
ince and for Supplying some Defects therein

Read the first and Second Time and Ordered to be thus
endorsed.

By the Upper House of Assembly

Feb the 28th 1721

Read; and with the addition of the words (by whipping)
after the words (Corporal punishment) fol 5th line 14th and
inserting the word (Suspected) instead of the word (accused)
fol 6th line 6th the said Bill will pass

Signed p Ord^r Sam^l Skippon Cl Up: Ho.

p. 29 Which Bill so Endorsed is Sent to the Lower House by Col
Young, Col Tilghman, Col Ward and Esq^r Rousby who return
and say they delivered it.

An Address of the Upper House of Assembly presented to U. H. J. his Honour the Governour by Col William Holland one of their Members Viz.

February the 28th 1721

To the Honourable Charles Calvert Esq^r Govern^r of the Province of Maryland

The Humble Address of the Upper House of Assembly
May it please your Honour.

Your Honours Asserting his Lordships undoubted Right of discharging any of the members of his Lordship's Honble Council from acting as such (of which we never in the least doubted) together with your acquainting us that you had a particular Instruction from his Lordship relating to M^r Bordley and a full Power to dismiss him, thereby to convince us of the Legality of the Discharge; induces us to apprehend that your Honour resents our making it a Question in our answer to your Speech, at the Opening of this Session, whether He were legally discharged or not. And therefore in the humblest manner we think it our Duties to represent to your Honour that We could not well answer the Question proposed to us without that Reserve. For as your Honour had never been pleased to communicate to us, either the Reasons for discharging M^r Bordley, the manner of doing it, or the Power his Lordship had given you for that purpose, and for that his being a Member of the Upper House of Assembly depended upon that of his being at the same Time of the Council; we could not give an Answer to the one without making it conditional with Respect to the other, So that we hope you will not interpret that Sentence, as questioning his Lordships Power but only intimating our own Uncertainty of what was done in Relation to M^r Bordley. And to prevent any such occasions of misunderstandings for the future, We make it our humble Request that when at any Time hereafter you shall think fit to propose any thing to us relating to the discharge of our Duty as Counsellours, you will be pleased at the same Time to acquaint us with all the Circumstances relating to it; otherwise it will not only be impossible for us to give proper and pertinent Advice, but we shall be likewise oblig'd to return ambiguous Answers. We think that we have just Reason to hope you will be thus free with us because we are under the sacred Obligation of an Oath, not to divulge any secret you shall be pleased to reveal to us as Counsellors though it should relate to any one of the Council, And we are not Conscious that we have at any Time so behaved ourselves in that Station, as to induce you to Suspect our Fidelity. For we do Assure

U. H. J. your Honour, that we have nothing more at Heart, than Sincerely to discharge our Duty to his Lordship Yourself, and our Country

Rich Tilghman	William Holland
M. Til. Ward	Sam ^l Young
James Bowles	John Hall
John Rousby	Thomas Addison

To which Address his Honour the Governour gives the following Answer Viz.

Gentlemen of the Upper House of Assembly

I solemnly declare I have not the least Suspicion of any of this honourable Board And can also Answer for his Lordship, in that particular; and beg Leave to Assure you, that my not apprizing you of his Lordship's Instruction relating to M^r Bordley was rather an Inadvertency than any Design to impose on you, and will, for the future in all my actions convince you, that you are the only Persons I shall put a Confidence in

Cha: Calvert

A petition from M^r Michael Piper Master of the Free school at Annapolis praying that the vacant Ground lying between the School House and the Stadt house may be granted him for a small Garden

The said petition upon Reading is granted

A Bill from the Lower House by M^r Tyler and Col Woolford explaining some doubtful Expressions in and repealing some Clauses of the Act for preventing the making of trashy Tobacco and for Bettering the Staple of this Province, and for supplying some Defects therein, thus Endorsed

By the Lower house of Assembly

Eodem Die Read again and past for Engrossing

Signed p Order M: Jenifer Cl. Lo. Ho.

p. 31 Order'd that the said Bill be read a third Time and the said Bill is read a third Time; Whereupon come to the following Resolution Viz.

Resolved that the Bill do pass

And Col Addison is sent to acquaint the Lower House that this House has Assented to the Bill as also to the Bill for the

Relief of sundry Languishing Prisoners; Who returns and U. H. J. Says he did it

A Message from the Lower House by Col Mackal & M^r Stoddert Acquainting his Honour the Governour that their House has no Business lying before them, but wait his Honour's further Commands .

Whereupon Col Holland is sent to the Lower House to acquaint them, that his Honour requires M^r Speaker and the whole House to attend him immediately in the Council Chamber.

Accordingly M^r Speaker and the whole House attend his Honour and saw the following Acts seal'd with his Lordship's greater Seal of this Province and Assented to by his Honour the Governour, on the Behalf of the R^t Hon^{ble} the Lord Proprietary of this Province Viz.

N^o 1. An Act for the naturalization of Albert Greening and John Oeth of Ann Arundel County

2. An Act for investing an Estate of Inheritance in Fee simple of twelve hundred Acres part of a Tract of Land called New Munster Lying on Elk River in Cecil County in Richard Thatcher of Cecil County to him and his Heirs and Assigns for Ever and three hundred Acres more Part of the said Tract of Land called New Munster in Peter Massey and Sarah his Wife to them and their Heirs forever.

3. An Act for the Relief of Rob^t Tivis, Andrew Castlo and Gilbert Poulson languishing Prisoners in Ann Arundel Co^{ty} George Sexton a languishing Prisoner in Queen Ann's County and John Robinson a languishing Prisoner in Talbot County

4. An Explanatory Act of some doubtful Expressions and repealing some Clauses in and of an Act of Assembly intituled an Act for preventing the making trashy Tobacco & for the bettering the Staple of this Province and for supplying some Defects therein

After which his Honour the Governour delivered himself p. 32 as follows Viz.

Gentlemen of the Upper and Lower Houses of Assembly

I am perfectly pleas'd with the several Steps you have taken this Session, for the Publick Welfare and cannot take Leave of you without returning my Hearty Thanks for the many favours I have received at your Hands; and as upon all occasions you have given ample Testimonies of your Love & Duty to the Proprietor, in his name I assure you, he will make all suitable Returns.

U. H. J. It remains, Gentlemen that I prorogue you to the last
Tuesday in April next and you are accordingly so prorogued
Charles Calvert

Thus Endeth the 8th Session of Assembly held for this
Province since his Lordship the R^t Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c^a has been restored to his Government of this Province, this 28th Day of February in the Seventh year of his Lordship's Dominion &c. Annoq Domini 1721.

Teste Sam Skippon Cl. Up. ho.

PROCEEDINGS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, February 20-28, 1721/2.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss:

At a Sessions of Assembly by Prorogation from the fifth Day of August last held at the City of Annapolis for the Province of Maryland the twentieth Day of February in the sixth year of the Dominion of the Right hoñble Charles absolute Lord and Proprietor of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. Annoq. Domini 1721,

Appeared in the lower House of Assembly for the said Province the following Members viz:

L. H. J.
Calvert
Papers
(773)
No page
numbers

The Hoñble Robert Ungle Esq^r Speaker.

For Saint Maries County	Dorchester County
M ^r Thomas Waughop	Coll. Roger Woolford
Cap ^t Truman Greenfield	Talbot
M ^r George Clarke	M ^r James Lloyd
Cap ^t John Baker	M ^r W ^m Clayton
Kent	Baltimore
M ^r Lambert Willmore	Coll: James Maxwell
Ann Arundell	M ^r Roger Matthews
Cap ^t Daniel Mariartee	Cap ^t John Dorsey
M ^r Richard Warfield	Prince Georges County
City of Annapolis	M ^r Robert Tyler
Benjamin Tasker Esq ^r	James Stoddart Esq ^r
Amos Garrett Esq ^r	M ^r Phillip Lee
Calvert C ^o	M ^r Ralph Crabb
Coll: John Mackall	Queen Annes County
M ^r Benjamin Mackall	M ^r James Earle Sen ^r
Charles	M ^r W ^m Turbutt
M ^r George Dent	M ^r James Earle Jun ^r
M ^r Alexander Contee	
Somerset	
Cap ^t John Jones	
M ^r George Dashiell	
M ^r John Caldwell	

Ordered that Coll: John Mackall and M^r Robert Tyler go to the Upper house and acquaint his hon^r the Governour that

L. H. J. a Sufficient number of Members are met to make an house. They return and say they Delivered their Message.

Coll. Holland from the Upper house Acquaints M^r Speaker that his Hon^r the Governour requires him and the whole house to attend him immediately in the Upper house and with drew.

There upon M^r Speaker with the whole House go to the Upper House.

Afterwards M^r Speaker wth the whole House return where M^r Speaker resumes the Chair and Reports that his Hon^r the Governour was pleased to Express himself in the following words viz:

Gentlemen of the Upper and Lower Houses of Assembly.

It is with the Utmost regret that I found my self under a Necessity of Convening you at this Unseasonable Time of the Year but as the Occasion is so evident it ushers with it a due Apology. For Very few of the Tobacco Makers can Conscientiously Comply with the Oaths prescribed in the Late Act for Meliorating Tobacco which puts such a Stop to trade as neither planter or Merch^t is the better by that Law; for if the people will not freight their Tobacco the Consequence to them and the Merch^{ts} is too evident to need a Coment If they strip without Complying with the Law it may Create greater Troubles to the Courts and Charge to the people than indeed ought to be wished: But as tis allowed that a Melioration of Quality was and still Continues Necessary which is the Chief designe of that Act I doubt not, but you'l readily agree That there is a necessity for An Explanation or Amendment to the Law for my Part there is Nothing that is proper for you to ask and me to grant but I shall hartily concurr in for the good of Maryland.

In as much as through the indispensible Necessity of the above Occasion you are met; I thought it my duty to acquaint you that Our most Gracious Sovereign in a Late Speech to the Brittish Parliament has taken the Low State of our Trade, into his Princely Consideration and for our relief, recommended the making of Navall Stores in the[se] Parts, such instances of his paternall, and royall Care of us must certainly more and more indear him to all his good Subjects, and to show our gratitude to the best of Kings, the least we can do is to conform (what we can) with his royall Inclinations by Encourageing the Hemp Trade, which our own Interest and the Soil of the Province in many places, invite us to. Some advances were made last Sessions in relation to hemp to pay Debts contracted, in that Comodity at six pence p pound which

(if it be above the Current price of the Market in England) L. H. J. will unavoidably raise a clamour in the Merchants at home, as a bad foundation to Support a good undertaking: Therefore I recomend to your serious Consideration whether it would be thought Convenient to Appoint proper persons in Each County to receive all the Merchantable Hemp that shall be brought in yearly at a price agreeable to the Markett in England, and a reward to those that bring in Large Quantities, this may encourage Industry and put people to Work on a Manufacture, that is not likely to be precarious.

Gentlemen

I cant help takeing Notice of a Report spread, that I design to turn severall Out of Commission which is intirely false and only raised to Create a Misunderstanding between me and the good people of Maryland to whom I shall allways think my self obliged by the favours, I have received from them, and particularly this present generall Assembly, and in return will Sincerly Study the prosperity of the province without any private Views of my Own, and shall Shew the Greatest Resentment to the Authors of any Reflection on the Gentlemen in Comission finding nothing in their Conduct, but what is agreeable with their Duty to the King the Proprietor and the Country.

Gentlemen of the Upper House of Assembly

As in our Legislature (as near as Circumstances will permit) We endeavour by forming Three Estates to Assimilate that of our Mother Great Brittain making her our Pattern for Justice, in Order to which in reference to M^r Bordley, I must lett you know that my Dischargeing him from Giving me further Councill (he haveing given me Councell of pernicious Consequence) is not designed to affect him as a Member of your house If (as such) he has a right to set therein Which Point I desire you'l inquire into, and inform me of your Judgments thereon that Justice may be done.

I shall Conclude wth a hearty Recomendation, that you put the greatest Dispatch to the Public affairs, and the least Charge to the Country And that Parties, Factions, and News Makers, be discouraged and in your Severall Counties, recomend to the good people (In these Dismall times of Trade) bearing and forbearing what they can with Each other.

Cha: Calvert.

L. H. J. Resolved that this House will sit to do business from nine till twelve of the Clock in the forenoon and from two till five in the Afternoon, and

Ordered that the following Message be prepared Viz:

By the Lower House of Assembly ffebruary 20th 1721.
May it Please your Hon^{rs}

This House in order to Dispatch business as much as in them lyes have Entered a Resolve to sit from Nine till Twelve of the Clock in the forenoon and from two till five of the Clock in the Afternoon and desire to know whether the times proposed be agreeable to your Honours

Signed p Order. M Jenifer Clk. Lo. Ho

Which was sent to the Upper House by M^r Lloyd and M^r Crabb. They return and say they delivered it.

The House adjourns till to Morrow Morning nine of the Clock.

Wednesday ffebruary the 21.

The House meet according to Adjournment.

Yesterdays proceedings are Read.

The Committees Appointed and Sent out Viz:

For the Comittee of Elections and priviledges.

Coll: John Mackall, M^r James Lloyd and M^r Ralph Crabb.

ffor the Committee of Laws.

James Stoddart Esq^r M^r Philip Lee, Coll. Roger Woolford,
Coll: John Mackall M^r Alex^r Contee and M^r James Earle
Jun^r

ffor the Committee of Aggrievances.

M^r Robert Tyler, Cap^t Daniel Mariartee and M^r Richard Warfield.

ffor the Committee of Accounts.

Cap^t S^t Leidger Codd, M^r James Earle Sen^r and M^r William Turbutt.

Coll. John Ward a Member returned to Serve for Cecill County and Cap^t John Dorsey for Baltemore County Appear'd in the House.

Ordered that Coll Maxwell and M^r Willmer go to the upper House to see them qualified

They return and say they see them qualified. Thereupon L. H. J. they took their Places.

Resolved that all former References from last Sessions to this be further referred till the next and that this House will not proceed on any other new Business than what is or shall be recommended to them by his Honour the Governour and Ordered the following Message be prepared viz:

By the Lower House of Assembly ffebruary the 21st 1721.
May it please your Hon^{rs}

This House takeing into Consideration the Inconveniences that must Inevitably attend the Long continuance of An Assembly at this unseasonable time of the year are willing that our former references from last Sessions to this be further referr'd till next and also that no other new business may be proceeded in more than what is or shall be recomended by his Honour the Governour, and therefore Communicate these our Resolutions to your Honours to Know your Sentiments thereon

Signed p Order M. Jenifer Clk. Lo. Ho.

Which was sent to the Upper House by M^r Caldwell & M^r Contee.

They return and say they delivered it.

Coll Young from the Upper House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly ffebruary the 20th 1721.

We approve of your proposalls as to your Times of Sitting.

Signed p Order. Sam^l Skippon Cl: Up: H^o.

The Question was put whether the Tobacco Law shall be amended or not.

Carried in the Affirmative by the Majority of Votes.

Coll: Tilghman from the Upper house Delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly February the 21st 1721.

This House Agrees with you in your Resolves sent by M^r Jn^o Caldwell and M^r Alexander Contee.

Signed p Order. Sam^l Skippon Cl. Up. Ho.

- L. H. J. M^r Brannock Appears in the House.
The House Adjourns till two a Clock in the afternoon.

Post Meridiem

The House meet According to Adjournment.

On reading the Act to prevent the Makeing Trashy Tobacco &c: tis the sense of the House that Clean Tobacco well Conditioned free from all Manner of Trash be only pack't and that by Trash is meant and intended only such as is and was Com-only reputed Trashy Tobacco Amongst Planters.

The Question was put whether the time for planting Tobacco shall be altered or not,

Carried in the Negative by the Majority of Votes.

The Question was put whether an Oath shall be framed According to the Explanatory Bill to be prepared or not.

Carried in the Negative by the Majority of Votes.

The House Adjourns till to Morrow Morning Nine of the Clock.

Thursday Morning february the 22^d

The House meet According to Adjournment. Yesterdays proceedings are read.

The Petition of Albert Greening of Ann arundell County and

The Petition of John Oeth of the same County praying that a bill may be brought in for their Naturalization, Were read and leave given to bring in a Bill as prayed on Qualifying themselves according to Law.

M^r Walter Smith appears in the house.

Bill for the Naturalization of Albert Greening and John Oeth of Ann Arundell County was Read the first and Second times by especiall order and past which was so endorst and Sent to the upper house by M^r Tasker and M^r Warfield they returne and say they delivered it.

John Hall Esq^r from the upper house delivers M^r Speaker The bill for the Naturalization of Albert Greening and John Oeth of Ann Arundell County thus endorst viz.

By the upper house of Assembly february the 22^d 1721.

Read the first and Second times by especiall order and will pass.

Signed p Order. Sam: Skippon Cl. Up. Ho.

Which was Read againe and past for engrosing.
The house adjourns till two a Clock in the afternoon

L. H. J.

Post meridiem.

The house meet according to adjournment

An Explanatory bill to the Act to prevent makeing Trashy Tobacco &c Read the first and second times by Especiall order and past which was so endorst and sent to the upper house by M^r Lee and five others

They return and say they delivered it.

Ordered the following Message be prepared Viz.

By the lower house of Assembly ffeb^{ry} the 22^d 1721
May it please your Honours

This house towards the Repaireing the powder house agreed last Sessions with M^r George Dashiell for Twelve hundred foot of inch Planck at one penny Currancy p foot which he has now brought over for that purpose.

Therefore wee desire your Honors will be pleased to Order some Care to be taken thereof and M^r Dashiell his payment for the Same.

Sign^d p order. M. Jenifer Cl. L^o house.

Which was sent to the upper house by M^r Dashiell he returns and says he delivered it.

The house adjourns till to Morrow Morning Nine of the Clock

ffryday ffebruary the 23^d

The house meet according to Adjournm^t Yesterdays Proceedings are read.

The Answer to the Governours Speech read and Approved of and ordered to be entered as followeth Viz:

To Charles Calvert Esq^r Governour of Maryland

The humble Address of the Lower house of Assembly.
May it Please Your Honour

The Necessity of Convening us though at this so unseasonable a time of the year is so Apparent that it introduces with it a most just Apology which engages us to concurr with your honour in our Sentiments that the Tobacco Act (although founded on the best of Intentions) requires some Amendments or Explanation in the performance whereof we will use

L. H. J. our utmost Efforts to quiett the Minds of the good people of this province and Render that Law usefull and Advantagious not Doubting but Your Honour out of your great goodness and Affection towards us, will readely agree to any thing of that Sort.

It would be happy for us that we could Applye our Selves to what his most gracious Majesty so Tenderly recommends, tis indeed an Instance of his great and fatherly Care of us altho so remotely scituate from his Royall presence and must attach [us] to him with all duty and loyall Gratitude, But as we Conceive meliorating our old Staple will of Course advance its price so we believe the late Incouragement given to the hemp Manufacture here, will have so little effect for a time as that it will be in Vaine to Constitute any officers as your honour in your kind Speech to us is pleased to mention untill wee see some probability of their haveing business and then (in our humble Opinions) it will be timely enough to give the Encouragement your honour is likewise pleased to propose.

With the greatest concern we are acquainted with the Malevolence of the Spreaders of false reports to the prejudice and Aspersion of your honour and do sincerely Assure you Sir, That in our real Opinion no Governour of Maryland has hitherto Ruled and presided over it with more Equall and Impartiall Justice and with less regard to his owne private Interest so that those base Authors have not gained among us the least of their desired ends, and wee do fully Resolve (as much as in us lyes) to discover and expose such evill minded persons.

We will exert our Selves in the Dispatch of the publick affairs, so as to diminish (what possibly we Cann) the charge of this Assembly to the people, and will always discourage in our Severall Counties Faction partys and News makeing as well as earnestly recommend to those we respectively represent the Christian and Charitable disposition of peace Unity and Concord towards and with each other.

Ordered that M^r Lee and M^r Contee goe to his Hon^r the Governour and desire to know of him when and where hee will be pleased to receive the address of this house. They returne and say that his Honour the Governour acquaints them that hee will Receive it immediately in the Conference Chamber.

Thereupon ordered that M^r Stoddart and nine others go to the Conference chamber [&] present it.

They return and Say they have presented it.

M^r Francis Holland Sherrife of Baltemore County not L. H. J. haveing returned the Writt of Election and Indentures where- in Cap^t John Dorsey was elected,

Ordered that Warrant Issue to the Seargent attendant on this house to bring the said Sherrife before this house to Answer for his default therein which accordingly Issued.

Ordered the following Message be prepared viz:

By the Lower house of Assembly ffeb^{ry} the 23^d 1721.

May it Please your honours

The Agreement intended to have been made last Sessions with M^r John Caldwell about the repairs to be made to the Stadt house is not nor Cannott yett be Consummated by the Gen^t then appointed by reason of M^r Philemon Lloyds absence from Annapolis, Wherefore wee desire that some Other Member of your house may be appointed to Joyne with M^r Tasker and M^r Garrett that a finall Agreement may be now made

Signed p Order. M: Jenifer Cl L^o Ho.

Which was sent to the Upper house by Col Ward and M^r Wilmer.

They Returne and say they delivered it.

Coll Addison from the upper house delivers M^r Speaker the following Message Viz:

By the upper house of Assembly ffebruary the 23rd 1721.

Gentlemen

In Answer to your message by Coll Ward and M^r Lambert Wilmer this house appoints Coll: Sam^l Young (in the Roome of M^r Lloyd) to joyn with M^r Tasker and M^r Garratt in Making a fineall Agreement with M^r John Caldwell about the Repairs to be Made to the Stadt house.

Signed p Order. Sam^l Skippon Cl Up ho:

The house adjourns till two a Clock in the afternoon.

Post Merediem

The house meet according to Adjournment.

The Question was put whether the petition of Sundry poor prisoners shall be received or not.

Carried in the Affirmative by the Majority of Votes.

Thereupon the Petitions were Read and the Question was put whether a bill shall be brought in this Sessions or not.

L. H. J. Carried in the Affirmative by the Majority of Votes.

Whereupon leave is Given to bring in a bill as prayed and order^d that the Committee of Laws prepare the Bill

An Engrost bill for the Naturalization of Albert Greening and John Oeth of Ann Arundell County read and Ordered to be thus endorst Viz.

February the 23rd 1721

Read and assented to by the Lower house of Assembly and
Signed p Order M. Jenifer Cl. Low^r house.

And sent to the upper house by M^r Turbutt and M^r Dashiell, they returne and Say they delivered it.

M^r Speaker communicates to this house his honour the Governours Answer to the Address of the house of this day which was Read and ordered to be entered as follows Viz.

Gentlemen of the Lower house of Assembly.

I am Sensibly touch't with your kind address and as I have nothing more at heart than the Happyness of his Lordships faithfull Tennants I will endeavour by My Actions to make up for my want of Expression.

Charles Calvert.

The house adjourns till to Morrow Morning nine of the Clock.

Saturday febr^y the 24th

The house meets according to Adjournment

Yesterdays proceedings are Read.

James Bowles Esq^r from the upper house delivers M^r Speaker The bill for the Reliefe of Richard Thatcher and Peter Massey Referred from last Sessions by that house thus endorst Viz:

By the upper house of Assembly february the 24th 1721.

This house haveing heard the Allegations on boath sides both for and against the bill, and being Satisfyed of the Justice thereof, the said Bill is Read the first and second Times by Especiall order and will pass.

Signed p Order. Sam^l Skippon Cl. Up ho.

Which was Read againe and past for engrosing.

John Rousby Esq^r from the upper house delivers M^r Speaker the Petition of Henry Lazenby Sherrif of Ann Arundell

County praying that a better prison or Conveniency may be L. H. J.
provided for the Debtors and Criminals in the same County
thus endorst Viz:

By the upper house of Assembly ffebruary the 24th 1721.

Read and Recommended to the Consideration of the Lower
house of Assembly.

Signed p Order. Sam. Skippon Cl. Up ho.

Which was read and referred till next Sessions.

Coll: Tilghman from the upper house delivers M^r Speaker
the Petition of Elizabeth and Thomas Guibert complaining
Against the Land Commissioners of S^t Mary's County thus
endorst Viz:

By the [upper] house of Assembly

ffebruary the 24th 1721

Read and considered this Petition and Referred to the Con-
sideration of the Lower house of Assembly

Signed p Order Sam^l Skippon Cl: Up ho.

Which also was Read in this house and referred till next
Sessions.

On the Remonstrance of Sam^l Young Esq^r Treasurer of the
Western Shoar that there is due from the late Sherrife of
Saint Mary's County one hundred pounds Currency on the
Seizure of two New England Sloops ag^t the Act Prohibiting
the Exportation of Hydes and old Iron &^c

Ordered that the Clerk of this house acq^t the said Late
Sherrife that he render an Acco^t thereof at the next Sessions
of Assembly how the said Money is disposed of, or that other
wise he will be sued for the same.

The house adjourns till two a Clock in the Afternoon.

Post Merediem

The house meets According to adjournment.

Coll: Rich^d Tilghman with two more from the Upper house
delivers M^r Speaker, the Explanatory Bill to the Act to prevent
makeing Trashey Tobacco &c. thus endorst Viz:

By the upper house of Assembly ffeb. the 24th 1721.

Gent.

Upon reading and considering the within Bill we find that
it not Onely explains the difficult Expressions in the former

L. H. J. Law but alsoe Repeals those Paragraphs which lays the freighters and Receivers under the Obligation of an Oath not to Ship or receive any tobacco not Quallified according to the directions of that Law, and therefore for as much as we Cannot think the pecuniary pennalties imposed Sufficient to Deterr all such freightors and Receivers from Shipping or receiving bad Tobacco, and for that we are willing to quiet the Tender Consciences of those who refused to take the Oaths before enjoyn'd we have herewith sent Oaths under other directions such as wee hope will not be Refused and with which being added to this bill it will pass with this Addition to the title (and for Supplyeing some other defects therein).

Signed p Order. Sam: Skippon Cl. Up. ho:

On reading whereof the Question was put wheather the first Parragraph as to the Receivers Oaths shall be rece^d and Added or not.

Carried in the Negative by the Majority of Votes.

And also an Oath on ffreighters to be added

The question was put whether a Conference shall be desired or not. Carried in the negative by the Majority of votes

Thereupon the following Message is prepared Viz:

By the Lower House of Assembly ffebruary 24th 1721.
May it Please your Honours.

We have read and Considered the Explanatory Bill to the Act to prevent the makeing Trashy Tob^o &c wth the Amendments and Additions proposed by your House but Cannot Agree the Bill should pass with those Amendments for that the Imposing the Oaths therein prescribed will be a great Introduction of perjury and as many Inconven[ien]cies will Attend the Explanatory Bill thereby as the Act formerly past wherefore we desire the Bill may now pass as it Stands.

Signed p Order. Mic. Jenifer Cl: L^o Ho

Which was sent with the same Bill to the Upper House by Coll: Mackall and five others.

They Return and say they delivered them.

Bill for the Relief of Sundry poor Languishing Prisoners was read the first and second times by especiall order and past Which was so Endorst and sent to the upper House by Coll: Woollford & M^r Greenfield. They return and say they delivered it.

The House adjourns till Monday Morning Nine of the Clock.

Monday Morning february the 26th 1721

L. H. J.

The House meets According to Adjournment. Saturdays proceedings are read.

Coll: Ward and three others from the upper House delivers M^r Speaker the Explanatory Bill to the Act to prevent makeing trashy Tobacco &c

With the following Message Viz.

By the Upper House of Assembly.

february the 26th 1721

Gentlemen

On reading your Message in answer to ours Relating to the Additions propos'd by us to be made to the explanatory Bill to the Act for preventing the Makeing Trashy Tobacco &c. We Cannot conceive that those Amendments will be any Introduction to perjury, unless it be voluntary; for that the Oaths therein prescribed will be much Easier complied With than those in the former Law; and for as much as the passing the Explanatory Bill as you propose it will render the former Law ineffectuall; which Law by sundry good advices has already had that good Effect in Europe, that it ought to induce us to use our best Endeavours to preserve it; no Country in the World (If we are not wanting to our Selves) does make so good Tobacco for a forreign Market as we; and we Can assure you upon the Report of our Tobacco Law in England; the Market did rise thirty shillings p^r hh^d and that very Law prevented the Parliament from repealing their Act in our favour, and further by Sundry Advices We may expect severall ships with Cargoes to purchase Tobacco in expectation of the Continuance of our Law, which Otherwise would not have Ventur'd and therefore we insist upon adding those Amendments proposed without which We do not think it reasonable that Bill should pass.

Signed p^r Order. Sam^l Skippon Cl^k Up. Ho.

In Answer whereto the following Message was prepar'd Viz.

By the Lower House of Assembly.

february the 26th 1721.

May it Please your Hon^{rs}

We have Considered the Reasons in your Message by Coll: Ward James Bowles & John Rousby Esq^{rs} and humbly Conceive they are not of Sufficient Weight to induce us to come

L. H. J. into your Honours Amendments and therefore insist on the bill sent up by this House.

Signed p Order M. Jenifer Cl. L^o Ho..

Which was Sent to the Upper House by Coll: John Ward and five Others, With the bill aforesaid.

They Return and Say they delivered them.

An Engrost Bill for the Relief of Richard Thatcher and Peter Massey read and Assented to by this House, which being so Endorst was sent to the Upper House by Coll. Ward and Cap^t Codd.

They Return and say they delivered it.

The House Adjourns till two of the Clock in the Afternoon.

Post Merediem:

The House meets According to Adjournment

Coll: Young and Coll: Tilghman from the Upper house deliver M^r Speaker the Explanatory Bill to the Act for preventing the Makeing Trashey Tobacco and the following Message Viz:

By the Upper House of Assembly ffeb. the 26th 1721.
Gentlemen,

Since you seem so Averse to Comply with the Amendments proposed by our house in Relation to the Tobacco Law, We think fit to propose to you the Passing the Bill prepar'd by your house so farr as it is explanatory of that Law, Only excluding the repealing Paragraph, for tho' We are willing to explain & Amend We can by no means consent to Repeal that part of it unless some other Provision be made instead thereof But Since We cannot agree upon any such expedient We think it will be much more acceptable to the good People of this Province if we only explain the Intention of the former Law, than if we should return again without doing any thing to Satisfie the Scrupulous Consciences of those who think they Cannot Safely take the Oaths therein Prescribed.

Signed p order. Sam. Skippon Cl. up Ho.

Thereupon the Question was put whether the former Votes shall be resumed or not.

Carried in the Negative by the Majority of Votes.

And Ordered the following Message be prepared Viz: L. H. J.

By the Lower House of Assembly ffeb: the 26th 1721.

May it please your Honours

We can't help being averse to the Amendments propos'd by your House in the Explanatory Bill herewith sent since we are certain that the imposing any Oaths at all will create great heart burnings among the People, for which reasons as well as those mentioned in our former Message on this Occasion we must insist on the bill as prepared in our House.

Sign^d p Order M. Jenifer Cl. L^o Ho:

Which was sent to the upper House with the Bill aforesaid by Coll: Woollford and three others. They return and say they delivered them.

M^r Dashiell added to the Committee of Election and Priviledges.

M^r Wailes and Cap^t Rider Appear in the House.

Resolved by this House that the Gent Appointed to reduce the Agreement into writing with M^r Caldwell, and to take his bond on the repairing the Stadt House have power to draw Orders on the Treasurer of the Western Shore for so much Money as the said Caldwell shall have Occasion of towards the Carrying on the Work (at their Discretion) and on the finishing the said Work to give Orders for the Ballance, that shall be then remaining due to the said Caldwell, on the said Treasurer.

And that a Message be prepared Accordingly

Which was prepared and is as follows.

By the Lower house of Assembly ffeb^{ry} the 26th 1721.

May it Please your Hon^{rs}

M^r John Caldwell haveing Mov'd this House that the Gent appointed to compleat the Agreement with him for repairing the Stadt House may have Power to give him Orders on the Treasurer of the Western Shore for so much money as he shall have Occasion of Towards Carrying on the Work (at their Discretion) and on the finishing the said Work to order him the Ball^{ce} that shall be then remaining due to him, We are willing to Agree thereto, and accordingly have Entered a Resolve on our Journall with which We desire your Honours Concurrence.

Signed p Order. M. Jenifer Cl: Lo. Ho.

L. H. J. Which was sent to the Upper House By M^r Caldwell and M^r Willmore

They return and say They delivered it.

Coll: Jno Mackall from the Com̄itte of Elections and Priviledges return the following Report viz:

By the Committee of Elections & priviledges. 26th ffeb^{ry} 1721.

On Inspection into the Indentures for Coll: John Ward a member return'd for Cecill County We find him duly elected.

We doe not find any Writt or Indenture returned for Cap^t John Dorsey a member for Baltimore County But are Informed by John Hall Esq^r Coll: James Maxwell and M^r Roger Mathews that they were at the Election and the People Inhabitants of the County appeared to be fully Satisfied therewith Which we humbly Submit to the Consideration of the house

Signed p Order John Gibson Cl Com.

Coll: Addison from the upper House Delivers M^r Speaker the Bill for the relief of Sundry Languishing Prisoners with a Petⁿ of Henry Lazenby Sherriff of Ann Arundell Co^{ty} for the allowance to the Goaler of the Prison of the City of Annapolis for Keeping Severall Prisoners and Memorandums of their Charge and the foll^o Message Viz:

By the Upper House of Assembly ffebruary the 26th 1721.
Gentlemen.

You will see by the Memorandums herewith sent, the Expeⁿce of the Imprisonment of the Prisoners proposed to be released by the Bill which we send you wth the Sherriff of this County's Petition which shews the hardshipe he and his Goaler lyes under if a provision is not made in their favor, we think the profits of the Sherriffs Office (of this County Especially) will hardly bare the Loss of the Imprisonment fees of so many Prisoners as are (almost) Every sessions releas'd, and therefore desire your Consideration of their Case and a proper relief for them; Which we [are] Perswaded you will be the Readier to do; when you Consider the Extraordinary Expeⁿce of Maintaining Prisoners at this Place.

Signed p Order. Sam^l Skippon Cl Up Ho.

Which was read and referred till to Morrow for further Consideration.

John Hall Esq^r and two Others from the upper House De- L. H. J. livers M^r Speaker the Explanatory Bill to the Tobacco Act. With the following Message which was read and ordered to be Entered as follows Viz.

By the Upper House of Assembly ffebruary the 26th 1721.
Gent.

We are sorry to find you so positively Resolved not to make any Provision by Oaths to restrain the Exportation of trashey Tobaco out of this Province; for we do not think any other Expedient can be found that will prove so effectuall for doing of it; nor can we foresee any dangers of perjury in takeing Oaths so Easy to be complied with, as those proposed in our Amendment to the Tobaco Law, But rather than so beneficiall a Law should be intirely Lost or Continued in Such a manner as that many Conscientious persons cannot comply with it, we are Willing that the Explanatory Bill proposed by your House should pass With a paragraph Added thereunto making the penalties Mentioned in the former Law to be recovered before any two Justices of the peace, who shall be obliged within three days after Application to them made to go and View such Tobaco and that Every person who shall discover any such trashy Tobaco may seize and Mark it and shall Exhibit his Information to the Justices within three days after Seizing the same and that if the Owner of such Tobaco shall Convey away or Otherwise Conceall such Tobaco before the Justices Come to View it he shall be adjudged guilty and forfeit the penalties of the Law That the Tobaco so seized if condemned by the Justices (Who are hereby Directed to view the same) shall be applyed to the Use of the Informer and the party offering to pay or paying away such Tobaco shall pay his Debt (attempted to be discharged after that manner) over again.

Signed p Order. Sam. Skippon Cl Up. Ho.

Which was Read and referred for further Consideration till to Morrow Morning.

The House Adjourns untill to Morrow Morning Nine of the Clock

Tuesday ffeb^{ry} the 27th

The House meets According to Adjournment. Yesterdays proceedings are read.

On reading the last Message of Yesterday on the Tobacco Law,

L. H. J. Resolved that the Penalties be recovered before one Justice only,

And that on Conviction the Tobacco seized shall Be destroyed in the Presence of the Justice and the Party Informing shall have the benefitt in the former Law Mentioned.

The Question was put whether all persons that have Power to Convict and punish persons of prophane Cursing and Swearing &c^a Shall have power to Convict persons by the new Bill or the Justice only or some such other Skillfull person whom he shall think fitt to Appoint.

Carried by the Majority of Votes that it be only the Justice or whom he shall Appoint.

And Resolved that the Justices have power to Search all Out-houses &c^a for Trashy Tobacco &c and on finding any to Convict them under the like penalties &c.

The Question was put whether a Clause shall be Added in favour of Som^rsett and Dorchester Countys to give them a longer time for planting or not.

Carried in the Negative by the Majority of Votes.

And that a penalty be Imposed on those who shall give receive buy or Sell any Trashey tobacco Contrary to the Intent of the Law

And Ordered the foll: Message be prepared viz:

By the Lower house of Assembly ffeb. the 27th 1721.
May it please your Hon^{rs}

Wee have Debated your Hon^{rs} Message of Yesterday by Esq^r Hall and two others of your house and are Come to the following Resolutions thereon.

1st That the penaltyes Imposed be recovered before any Single Justice of the Peace in regard two may differ in Opinion And they may live so remote as it may be difficult to procure them

2^d That on Conviction the Tobacco Seized shall be destroyed in the Presence of the Justice before whom such Conviction shall happen and the party Informing to have the benefitt in the former law Mentioned.

3^d That every person in this province consume his Trashy or bad Tobacco as he Strips his Crop Yearly under the penalty of One Thousand pounds of good Tobacco for every such offence to be Convicted by the Oath of the party Informing (In Case such Trashey or bad Tobacco be removed) before any single Justice and if such trashey or bad Tobacco be not removed then such Justice to be required on Complaint made

to go with the Informer or Impower some Sufficient person L. H. J. skilled in Tobacco to go wth the Informer and View the same and on Examination to make his Report to the Justice in Order to Acquit or Convict the Person so accused.

4th That Every Justice or such person Appointed for the better Execution of this Law have full power to Search all Tobacco Houses or other Suspected Houses or places upon Complaint made or Upon his own Suspicion of any such Trashey or bad Tobacco so supposed to be therein lodged or Concealed and on such Discovery fully to Convict such Delinquent of the Penalty af^d.

5th That a Penalty be Imposed on those who by themselves or others shall pretendedly give away or receive any Trashey or Bad Tobacco contrary to the Intent of the Law.

6th That a fine be laid on the Justice or person by him so Appointed who shall refuse to execute the trusts in him reposed as af^d.

7th that double penalties be laid on those who freight their Tobacco by the reason of the great Difficulty of Detecting them in the Breach of the Law.

These Alterations and Additions being Approved by Your Honours We shall readily concur wth those proposals in y^r honours last Message.

Signed p Order M^r Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Stoddart and five Others wth the Explanatory Bill.

They return and say they delivered them.

The House Adjourns till two of the Clock in the Afternoon.

Post Meridiem

The House meets According to Adjournment

On Reading Yesterday's Message as to the fees due to the Goalers from the poor prisoners in the bill Menconed, The Question was put whether any allowance shall be made to the Goalers for their fees or not.

Carried in the Affirmative by the Majority of Votes;

Then the Question was put whether an Allowance shall be made to the Goalers in the City of Annapolis only, or to all Goalers.

Carried by the Majority of Votes that the Allowance be only made to the Goalers in the City of Annapolis;

L. H. J. Then the Question was put whether the Allowance shall be made for 6000 or 4000th of Tob^o to be Divided Between them. Carried by the majority of Votes that 6000th Tob^o to be allowed by the publick Viz: To Thomas Jobson 3000th of Tob^o and to Charles Rivers 3000th Tob^o

And Ordered the following Message be prepared viz.

By the Lower House of Assembly ffeb^{ry} the 27th 1721.

May it Please your Honours

In Answer to Your Message of Yesterday by Coll: Addison wth a Bill for relief of Sundry poor prisoners &c. This House are willing to allow to Thomas Jobson the late Goaler of Annapolis Three Thousand pounds of Tobacco and to the present Goaler Charles Rivers Three Thousand pounds of Tobacco more in full for their fees which if your honours Think reasonable we Desire the bill may pass in your house.

Signed p Order. M. Jenifer Cl. Lower house.

Which was sent to the upper house with the bill afores^d by M^r Tasker and M^r Wilmore, They return and say they Delivered them.

M^r Tyler from the Committee of Aggrievances Return the following Report:

By the Committee of Aggrievances ffeb. 26th 1721

It is offered to this Committee as An Aggrievance that there is no Provision made in the Act of Assembly for encouragement of Tillage and Relief of Poor Debtors obliging all Creditors to Receive Tob^o for Money or Money for Tobacco which seems as an Agrievance since Tobacco is Look'd upon to be the Staple of our Country, it is therefore Refered to the Lower house of Assembly for their further Consideration.

It is also offered to this Committee as an Agrievance that the time Limited in the Act of Assembly intituled An Act for Relief of Debtors and Ascertaining the manner of Tenders in Tobacco is Limited from the first day of November till the last day of March which is Look't upon to be too short a time; Since all Tobacco is to be got Redy by the Last of May Yearly which seems Reasonable to Lengthen the time from the Last of March till the Last day of May which is Refer'd to the Lower house of Assembly for their Consideration.

Signed p order Nin: Mariartee Cl. Com^t

Which was Read and Refer'd till next Sessions for further Consideration.

Coll Holland and two Others from the upper house deliver L. H. J. M^r Speaker the Explanatory Bill to the Act for Preventing the Makeing Trashey Tobaco with the following Message Viz:

By the Upper House of Assembly ffeb^{ry} the 27th 1721.
Gent.

In Answer to your Message by M^r James Stoddart and five others members of your house We have read and Considered the Alterations and additions proposed by said Mesage and agree to the Same and desire that the bill may be Prepared Accordingly.

Signed p Order Sam. Skippon Cl: Up. Ho.

Thereupon Order'd that the Comittee of Laws Prepare the bill.

John Hall Esq^r from the upper house delivers M^r Speaker the Petition of M^r Jacob Hendersons thus Indorst Viz:

By the upper house of Assembly ffeb^{ry} the 27th 1721.
Gent.

This Petition being Recomend^d to us by his Hon^r the Gov^r has been read and Considered by us and is further Recomend^d to the Consideration of the Lower house.

Signed p Order. Sam. Skippon Clk Up. H^o

Which was Referred till Next Sessions.

Coll: Addison from the Upp^r house delivers M^r Speaker the bill for the Relief of sundry poor prisoners thus endorst Viz:

By the upper House of Assembly ffeb^{ry} 27th 1721
Read and will pass wth the allowance to the Goalers Men-
con'd in your Message by M^r Benjamin and M^r Lambert
Willmer

Signed p Order Sam. Skippon Cl Up. Ho.

Thereupon the same is read againe and past for Engrossing and was sent to the Comittee of Laws to be engross'd.

The House adjourns till to Morrow Morning Nine of the Clock.

Wednesday Morning ffeb. 28th

The House meets according to Adjournment. Yesterdays proceedings are read.

The Writt of Elecon and Indenture whereon Cap^t Jno Dorsey a Memb^r return'd to serve for Baltemore County is

L. H. J. bro^t into the house having been delivered to his Hono^r the Governo^r in October last so that it appears That the Sheriff has fully done his duty therein, Thereupon he is discharged. And ordered that the Sergeant be allow'd Three pounds Current Money and the Clerk Ten Shillings to be paid by the publick.

Ordered That M^r Jno Caldwell gett a brass Fane made to the fflagg Staff to be Set upon the Stadt House for w^{ch} he is to be allow'd by the publick.

M^r Evan Jones has the liberty of printing the Tobacco laws.

Coll: Tilghman from the upper House delivers M^r Speaker the following Message Viz:

By the Upp^r House of Assembly ffeb^{ry} 28th 1721
Gent.

We agree with you in yo^r Message of ffeb. 26th by M^r Caldwell and M^r Willmer memb^{rs} of your house and have entered a Resolve on our Journal to that purpose.

Signed p Order Sam. Skippon Cl. Up: House

Jno Hall Esq^r from the Upp^r House deliv^{rs} M^r Speaker a Lett^r from the rev^d M^r Jacob Henderson directed to his Hon^r the Govern^r & by his Hono^r recommended to the upper House setting forth the bad State of the Church in Baltemore County &c^a thus Endors't.

By the upp^r House of Assembly Feb. 28th 1721.

The wth in lett^r from the Rev^d M^r Jacob Henderson relating to the Melancholy Circumstances of the Inhabitants on the South side of Patapsco for want of a Ministers Assistance having been laid before us by his Hono^r the Governo^r has been read and is recomēded to the Consideracon of the Lower house.

Signed p Order Sam^l Skippon Cl. Up. ho.

The Journal of the Co^mmittee of Accounts (bro^t down from the Co^mmittee by Cap^t Codd) was read and thus endorst Viz.

ffeb: the 28th 1721

Read and Assented to by the lower house of Assembly and

Signed p ord^r M. Jenifer Cl. Lo: Ho.

And Sent to the Upp^r House by the Gent of that Co^mmittee They return and Say they delivered it.

An Engrost Bill for the relief of Sundry poor prison^{rs} was L. H. J. read and Assented to by this House and so endorst and Sent to the upp^r House by M^r Tyler and M^r Turbut

They return and say they delivered it.

The House Adjourns till Two of the Clock in the afternoon

Postmeridiem.

The House meets according to adjournm^t

An explanatory Bill to the Tobacco Law (being prepar^d by the Comitte of Laws and bro^t into the house by M^r Stoddart) was read the first and second time by especial order, And the Qⁿ putt whether that Bill shall pass as it is or not.

It was carried in the Affirmative by the Majority of votes and thereupon the Bill is past which was so endorst and Sent to the upp^r House by M^r Stoddert and nine others.

They return and say they delivered it.

On the Request of the Rector Governor and Visit^{rs} of the ffree Schooll of Annapolis That a Small porcon of ground lying between the Court house and School house and adjacent to the School be granted to the School Master during the Pleasure of This House to make him a small garden,

Ordered that the same be granted.

Coll: Young and three others from the Upp^r House deliver M^r Speaker the explanatory Bill to the Act for preventing the Making Trashy Tobacco &c thus endorst Viz.

· By the Upp^r House of Assembly ffebruary the 28th 1721.

Read and with the Addicon of the words (by whipping) after the words (corporal punishment) fol. 5 Line 14 and inserting the word (suspected) instead of the Word (Accused) fo. 6. Line 6 the bill will pass.

Signed p Order Sam. Skippon Cl. Up. ho.

John Hall Esq^r from the Upp^r house delivers M^r Speaker the journall of the Comitte of accounts thus endorst Viz:

February the 28th 1721.

Read and Assented to by the Upp^r house of Assembly and

Signed p Order Sam. Skippon Cl. Up ho.

The House proceeds to tax the ffees on the Bill for Naturalizacon of Albert Greening.

To the Hon^{ble} Speaker
To the Clerk

£2..0..0
1..0..0

L. H. J. An Engrost Explanatory Bill to the Act for preventing the Making Trashy Tob^o &c was read and assented to and being so endorst was sent to the Upp^r House by M^r Tyler and Col: Woolford.

They return and say they deliver'd it.

Ordered that Col: Mackall and M^r Stoddert go to the Upp^r House and Acquaint his Hono^r the Governo^r That nothing of publick business remains before this house Unfinished.

They return and say they delivered their Message.

Coll: Holland from the Upp^r House Acquaints M^r Speaker That his Hono^r the Governo^r requires him and the whole House to attend him imediately in the Upp^r house and withdrew.

M^r Speaker with the whole house go to the Upper house where his Hono^r the Governo^r was pleased on behalf of the Right Honble the Lord Propry to enact the Severall Engrost Bills following into Laws they being Severally thus Endorst viz:

Read and Assented to by the upper House of Assembly and
Signed p Ord^r Sam. Skippon Cl. Up Ho.

1st An Engros'd Bill for the Naturalizacon of Albert Greening & John Oeth of Annarundel County

2nd An Engross'd Bill investing an estate of Inheritance in ffee Simple of Twelve hundred Acres part of a Tract of Land call'd New Munster Lying on Elk River in Cecil County in Richard Thatcher of Cecil County To him and his heirs and Assigns forever and Three hundred Acres more part of the s^d Tract of Land Call'd New Munster in Peter Massey and Sarah his wife To them and their heirs for ever.

N^o 3. An Engross'd Bill for the Relief of Rob^t Tivis Andrew Castlo and Gilbert Powlson Languishing Prisoners in Annarundel County George Sexton a Languishing prisoner in Queen Ann's County and John Robinson a Languishing prisoner in Talbot County.

N^o 4. An Engross'd explanatory Bill of some doubtful expressions and repealing some clauses in and of an Act of Assembly Entituled An Act for preventing the Making Trashy Tob^o and for the bettering the Staple of This province and for Supplying some defects therein.

All w^{ch} Bills aforemencōned his Hon^r the Govern^r was

pleased to Seal wth the Great Seal of the R^t Hoⁿble the Lord L. H. J.
Prop^{ry} of This Province and Severally thus Endorse them viz:

February the 28th 1721.

On the behalf of the R^t Hoⁿble the Lord Prop^{ry} of This
province, I will This Be a Law

Cha: Calvert.

After which his Hono^r the Governo^r was pleas'd to express
himself as follows Viz:

Gentlemen of Upper and Lower Houses of Assembly.

I am perfectly pleased with the Several Steps you have taken
this Sessions for the Publick Welfare and cannot take leave
of you without returning my Thanks for the Many favo^{rs} I've
receiv'd at yo^r hands, and as upon all occasions you have
given Ample Testimonies of yo^r Love, and Duty to the pro-
prietor, in his Name I assure you, He will make all suitable
returns.

It remains Gentlemen That I prorogue you to the last
Tuesday in April next, and you are accordingly so prorogued.

Cha: Calvert.

Afterw^{ds} M^r Speaker with the whole house returns where
M^r Speaker resumes the Chair and reports That his Hon^r the
Governo^r had thought fit to prorogue This present Gen^l As-
sembly till the last Tuesday in April next.

To which Time This House accordingly prorogues it Self.

So endeth this Sessions of Assembly This Twenty eighth
day of February in the Seventh year of the Dominion of the
Right Hoⁿble Charles Lord Baron of Baltimore &c. over
This province since his Most Gracious Majesty has been
pleased to Restore him to the Government thereof, Annoq
Domini One Thousand Seven hundred and Twenty One.

M. Jenifer Cler Inf. Dom

April 23^d 1722

A True Copy Examined
by Phile Lloyd Dep^{ty} Sec^{ry}

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 9–November 3, 1722.

CHARLES CALVERT, LORD BALTIMORE
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss:

U. H. J.
Original
p. 1

At a Session of Assembly begun and held by Several Pro-
rogations at the City of Annapolis in the Province of Mary-
land on Wednesday the tenth¹ Day of October in the ninth
year of the Reign of our Sovereign Lord King George &c^a
and in the Seventh of his Lordships Dominion &c Annoq Dom
1722.

Present

The Hon^{ble} Charles Calvert Esq^r Governour

The Honble	{	Col W ^m Holland	
		Col Samuel Young	James Bowles Esq ^r
		Col Richard Tilghman	John Rousby Esq ^r
		Col Matt. Tilgh: Ward	
Members of the Upper House			

M^r Robert Tyler and Col John Mackal from the Lower
House acquaint his Honour that there is a Sufficient number
of Burgesses met to make an House

Whereupon Order'd that Col. William Holland and Col
Samuel Young go to the Lower House and administer, ac-
cording to Act of Assembly the several Oaths appointed to be
taken to the Government to the several Members of that
House; & that the Clerk of this House attend them

They return and say, that they have administred the said
Oaths as appointed to the several Members then present being
forty six in number and that they also Severally subscribed
the Oath of Abjuration and Test.

Col Richard Tilghman and Col M. Tilgh Ward are ordered
by his Honour the Governour to acquaint the Lower House
that his Honour requires them to attend him in the Council
Chamber immediately

They return and say they have delivered their Message.

Whereupon the whole House attending His Honour re-
quires them to return to their own House and make Choice of
a Speaker.

Col John Mackall and M^r Robert Tyler from the Lower
House acquaint his Honour, that their House had made Choice
of a Speaker

¹ Prorogued from October 9th. See Lower House Journal, p. 401.

U. H. J. Whereupon ordered that James Bowles and John Rousby Esq^{rs} do go and acquaint the Lower House that his Honour
 p. 2 requires them to Attend him in the Council Chamber and present their Speaker for his Honour's Approbation.

They return and say they have delivered their Message.

The whole House accordingly attend and present Robert Ungle Esq^r for their Speaker with which Choice His Honour declares himself well pleased

And then his Honour open'd the Session with the following Speech Viz.

Gentlemen of the Upper and Lower Houses of Assembly

The happy Agreement between me and the late General Assembly in the Several Sessions gives me great Hope of the like good Harmony with the present now Assembled; for as I have ever preferred the Good of the Country to my own private Interest so I am fully determined to continue in the same Resolution

Gentlemen. I have it in Command from the Proprietor to acquaint you that he has not dissented to the Law for lessening Officers Fees, Believing you yourselves will (as the Multiplicity of Business increases) think fit to put it upon the former Establishment

As to the late Tobacco Law, I cannot say whether his Lordship has, or has not Assented to it; but daily expect Orders from England relating thereto: and in the mean while, whatever may be thought on for the General Good, and Satisfaction of the People, I shall heartily concur in.

Our Militia in my opinion deserves your Consideration for altho we are at perfect Peace with the Indians, and our neighbouring Colonies have happily concluded their Treaties with them; Yet a well Disciplined Militia is a Grace to a Country and necessary upon any Emergency. It was proposed to the Lower House in the Late Assembly that every Captain should have the Power of Levying the Fine on those under his Command, Who absented themselves from the Musters, which would be a means to have the Militia in good Order: But as the Lower House would not then consent to it, I could not think of making any Step without their Concurrence; For I shall ever think it a Duty incumbent upon me (in matters that Concern the General Welfare of the People) [to rely on] both Houses; therefore I recommend this to your Consideration.

p. 3 The Practice of Running Tobacco over Potomack into

Virginia (thereby depriving the Proprietor and the Country U. H. J. of their just Dues) deserves some Care to prevent the same for the future.

Gentlemen of the Lower House.

I have nothing more to lay before you but the Dispatch of the Publick Affairs thereby putting the Country to the least Expende in w^{ch} you will effectually convince those you represent that they have made a happy Choice

Cha. Calvert

John Beale Esq^r and M^r Thomas Gantt acquaint this House that their House had made Choice of Michael Jenifer Gent. for their Clerk and present him to be qualified.

Whereupon the said Mich^l Jenifer takes the Several Oaths to the Government appointed by Law and likewise subscribes the Oath of Abjuration and Test; and withdraws

The House Adjourns till Two of the Clock in the Afternoon

Eodem Die Post Meridiem

Met according to Adjournment

Present

His Honour the Governour

The Honble	{ Col William Holland	Col M. Tilghm. Ward
	{ Col Samuel Young	James Bowles Esq ^r
	{ Col Rich ^d Tilghman	John Rousby Esq ^r

Members of the Upper House

A Message from the Lower House by M^r Thomas Waughop and M^r John Oldham which is as follows Viz.

By the Lower House of Assembly Oct. the 10th 1722
May it please Your Honours

This House in order to dispatch publick Business as much as in them lies have entred a Resolve to sit from nine of the Clock in the morning till four of the Clock in the Afternoon and desire to know whether the Times proposed be agreeable to your Honours

Signed p order M: Jenifer Cl. Lo. Ho.

To which Message the following Answer is prepared

By the Upper House of Assembly October the 10th 1722
Gentlemen. This House Concurs with your House as to

U. H. J. the Times proposed in your Message by M^r Waughop and
M^r Oldham

Signed p ord^r Sam^l Skippon Cl Up Ho.

p. 4 Which Answer is sent to the Lower House by Col. Tilghman
who returns and says he delivered it

The House adjourns till to Morrow morning nine of the
Clock.

Thursday October the 11th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble	{ Col Will ^m Holland	Col M. Tilgh: Ward
	{ Col Sam ^l Young	James Bowles Esq ^r
	{ Col Rich ^d Tilghman	John Rousby Esq ^r

Members of the Upper House

The Petition of John Diggs of Prince Georges County
referred from last Session to this present Session, being read
is ordered to be thus Endors'd (viz)

By the Upper House of Assembly October the 11th 1722

The Petition referred from last Session to this present
session being read, is now referr'd to the Consideration of the
Lower House.

Signed p Ord^r Sam^l Skippon Cl. Up: ho.

Which Petition so endorsed is sent to the Lower House by
Col Ward who returns and says he deliver'd it

M^r Richard Warfield and M^r Thomas Tolley from the
Low^r House present Col Thomas Hammond a member Elect
for Baltemore County in Order to his Qualification, who there-
upon takes the Several Oaths to the Government appointed
by Law, and Likewise Subscribes the oath of Abjuration and
Test and then withdraws

The Petition of the Clergy of the Western and Eastern
Shore of this Province; and also

The Petition of the Justices Grand Jury and other Inhabi-
tants of Calvert County and also

The petition of Henry Lazenby High Sherriff of Ann U. H. J. Arundel County being severally read are ordered to be severally thus endorsed Viz.

By the Upper House of Assembly October the 11th 1722

The within Petition being read is recommended to the Consideration of the Lower House

Signed p ord^r Sam^l Skippon Cl. Up. Ho.

Which petitions so Endorsed are sent to the Lower House by James Bowles Esq^r who returns and says he delivered them

The Upper House of Assembly by Col William Holland one p. 5 of their members deliver to his Honour the Governour their answer to his Speech made at the opening of this Session, which is as follows Viz.

By the Upper House of Assembly

October the 11th 1722

May it please your Honour.

With a grateful Sense of your good Inclinations to promote the Tranquillity of Maryland We return our most hearty Thanks for your kind speech delivered to both Houses of Assembly at the opening of this Session

The Assurance you have been pleased to give us of Continuing to prefer the publick Good to your own private Interest (of which we have had many Instances) is an engaging Circumstance to oblige us to exert our best Abilitys to cultivate so good an Understanding that you may not fail of meeting with the same happy Agreement in this, as you have done in the former General Assembly

And in order thereto, we will (with a due Regard to the Expectation of our Proprietor, your Honour's Satisfaction, and the well Being of the Good People of this Province) diligently apply ourselves to the Consideration of the several Particulars your Honour has been pleased to recommend, and to the Dispatch of the Publick Business in General.

The Resolution your Honour has been pleased to make of relying upon both Houses of Assembly in matters that Concern the General Welfare of the People, is a Convincing argument of your sincere Intentions to consult the publick Good;

U. H. J. and will not only encourage us in our Endeavours for that End, but further oblige us in all Respects, to approve ourselves
May it please your Honour

Your Honour's most obedient

faithful and humble Servants

Rich^d Tilghman William Holland

Matt Tilg: Ward Samuel Young

Ja Bowles John Hall

Jⁿº Rousby

To which His Honour was pleased to make the following
Reply Viz.

Gentlemen of the Upper House of Assembly.

I give you hearty Thanks for this kind Address and I shall
always make the publick Good the Rule of my Administration

Adjourned til the morning at nine of the Clock

p. 6

Friday October the 12th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Col W ^m Holland	Col Matt Tilghman Ward
		Col Sam ^l Young	James Bowles Esq ^r
		John Hall Esq ^r	John Rousby Esq ^r
		Col Rich ^d Tilghman	

Members of the Upper house

The Petition of Elizabeth Guibert and Thomas Guibert
her son of S^t Marys County read and thus endorsed Viz.

By the Upper House of Assembly

Oct^r the 12th 1722

This Petition being read is referred to the Consideration
of the Lower House

Signed p Order Sam: Skippon Cl. Up. Ho.

Which Petition so Endors'd is sent to the Lower House by
John Hall Esq^r who returns and says he delivered it

M^r Walter Smith and M^r William Young from the Lower
House present M^r Benjamin Mackall a Member Elect for
Calvert County, in order to his Qualification; who thereupon
takes the several Oaths to the Government appointed by Law,

and likewise Subscribes the Oath of Abjuration and Test: and U. H. J.
then withdraws

Adjourn'd till to morrow morning nine of the Clock.

Saturday October the 13th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble { Col William Holland Col Matt. Tilghman Ward
Col Saml. Young James Bowles Esq^r
John Hall Esq^r John Rousby Esq^r
Col Rich^d Tilghman

Members of the Upper House

The Petition of the Rector and Inhabitants of New Port
Hundred in Charles County Also

The Petition of the Vestry and Church Wardens of Wil-
liam and Mary Parish in Charles County, and

The Petition of Hugh Riley Prisoner now in Custody of
Philip Lee Esq^r High Sherriff of Prince George's County
being severally read are severally thus endorsed Viz.

By the Upper House of Assembly

Oct the 13th 1722

This Petition being read is referr'd to the Consideration
of the Lower House

Signed p Order Sam^l Skippon Cl. Up. ho.

Which Petitions so endorsed are sent to the Lower House
by Col Holland; who returns and says he delivered them

At the Desire of Col Samuel Young a member of this House p. 7
the following message is prepared Viz.

By the Upper House of Assembly

October the 13th 1722

Gentlemen.

Col Samuel Young having signified to this House that he
has a Considerable Sum of money now in his Hands arising
from the Additional Duty of Twenty Shill^s p^r Poll on the
Importation of Irish Servants being Papists and negroes;
and to be applied to the use of Free schools, and desiring to be

U. H. J. eased of so great a Charge; we desire your House would enter into such Measures in Conjunction with this House that Col Young may be Satisfied and the Money so dispos'd of as may answer the End designed in raising it

Signed p Order Sam^l Skippon Cl Up. ho.

Which Message is sent to the Lower House by Col Young who returns and says he delivered it.

Adjourned till Monday Morning nine of the Clock

Monday October the 15th 1722

Met according to Adjournment

Present

The Honble	{ Thomas Brook Esq ^r	Col. Richard Tilghman
	{ Col W ^m Holland	Col M Tilgh. Ward
	{ Col Sam ^l Young	James Bowles Esq ^r
	{ John Hall Esq ^r	John Rousby Esq ^r

Members of the Upper House

'A Bill from the Lower House by Col John Ward and M^r Daniel Sherwood, for the Encouragement of Tillage and Relief of Poor Debtors thus endorsed Viz.

By the Lower house of Assembly

October the 12th 1722

Read the first Time and ordered to lye on the Table for further Consideration until Monday next

Signed p order M: Jenifer Cl Lo: ho.

and thus further Endors'd

By the Lower House of Assembly Oct^r the 15th 1722

Read the second Time and will pass

Signed p Order M: Jenifer Cl Lo Ho.

Ordered that the said Bill be read; and the Bill was read the first Time.

Ordered that the following Endorsment be made upon the Bill Viz.

By the Upper House of Assembly Oct the 15th 1722

Upon reading and Considering the within Bill, this House is of opinion that That Clause which makes it lawful for the

Debtor to make a Tender of the Commodities mentioned, to U. H. J. his Creditor, before execution and the prohibiting the Creditor upon his Refusal of said Commodities to bring his Action for twelve Months after such Refusal, is a very great Hardship p. 8 upon the Creditor and has a Tendency to put a Damp upon all Inland Trade, which cannot Subsist without Credit; and that the poor Debtor, who is proposed to be relieved by this Bill, will be under greater Disadvantages and Hardships for want of Credit, than he could have Benefit should this Bill pass.

This House is also further of opinion that the including Officer's fees to be paid as this Bill directs, makes it not only impracticable but in a great measure impossible for the Sheriffs to collect them, and to Account for them with the Officers as by Law they are now directed to do

And further that the Prices of some of the Commodities mentioned, are at so high a Rate that it is impossible the Creditor should make his own money of them with the greatest Diligence he can Use. ffor which Reasons this House is not willing this Bill should pass, as it now stands

Signed p ord^r Sam^t Skippon Cl Up Ho.

And the Bill thus endorsed is sent to the Lower House by Col Tilghman who returns and says he delivered it.

A Bill from the Lower House by Col John Mackall and three more for repealing the Tobacco Law, thus endorsed

By the Lower House of Assembly October the 15th 1722

Read the first and second Time by Especial order and will pass

Signed p order M: Jenifer Cl Lo. Ho.

Ordered that the Bill be read; and the Bill was read.

Ordered that the Bill be thus endorsed Viz.

By the Upper House of Assembly Octob^r the 15th 1722

Upon reading the within Bill, we find no Reason Assigned for the repealing the Tobacco Law; and for that we know not any Reason why it should be repealed, we cannot consent to the repealing thereof

Signed p ord^r Sam^t Skippon Cl Up Ho.

Which Bill so endors'd is sent to the Lower House by Col Ward and Esq^r Bowles, who return and say they delivered it.

U. H. J. A Bill from the Lower House by Col Watts and M^r Harrison for the Relief of Francis Gandevit and John Read both of the City of Philadelphia thus endors'd

By the Lower House of Assembly Oct. the 15th 1722

Read the first and Second Time by especial Order and will pass

Signed p order M Jenifer Cl Lo Ho.

Adjourn'd till to morrow morning nine of the Clock

Tuesday October the 16th 1722

Met according to Adjournment

p. 9

Present

The honble	{	Thomas Brooke Esq ^r	Col Rich Tilghman
		Col W ^m Holland	Col M Tigh. Ward
		Col Sam ^l Young	James Bowles Esq ^r
		John Hall Esq ^r	John Rousby Esq ^r
		Philemon Lloyd Esq ^r	

Members of the Upper House

John Beale Esq^r and Three more from the Lower House present Thomas Bordley Esq^r a Member Elect for Ann Arundel County and M^r William Whittington a member Elect for Somerset County, in order to their Qualification; who thereupon severally take the several Oaths (appointed by Law) to the Government, and likewise severally Subscribe the Oath of Abjuration and Test, and then they withdraw

Ordered that the Bill for the Relief of Francis Gandevit and John Read (brought up yesterday from the Lower house by Col Watts and M^r Harrison) be read; and the said Bill was read

Ordered that the said Bill be thus Endors'd,

By the Upper House of Assembly

Oct^r the 16th 1722

We conceive that to give Gandevit and Read an Absolute Estate of Inheritance in fee simple in the Lands mention'd in this Bill, would be to cut off Birmingham from any Claim or Title in said Lands, which (by what appears to us) he has never yet Legally made over to any Person whatsoever; And not only so, but would also cut off any Claim or Title from any other person who might have a Right previous to said Birmingham; But it appearing by Birmingham's Certificate Seal'd with

the Seal of New Castle, that he is willing to acknowledge and U. H. J.
make over the said Lands to the said Gandevit and Read upon
their procuring an Act of Assembly for the having the said
Lands in Satisfaction for their Debt; and also upon their giv-
ing him the said Birmingham good Security to Indemnify him
the said Birmingham his Heirs &c^a from said Riddlesden;
We are of Opinion that the Intent of the Petitioners in desir-
ing an Act of Assembly in their favour, is only that we should
make good the Deficiencies in Riddlesden's Deed of Convey-
ance for want of the Acknowledgment and give them as full
Right and Title in said Lands as Riddlesden himself had, or
they themselves should have had had the s^d Deed been duly
executed. The Bill being altered, according to these Senti-
ments (as above expressed) will pass.

Signed p Ord^r Sam^l Skippon Cl. Up. Ho.

Which Bill so Endors'd is sent to the Lower House by
John Rousby Esq^r who returns and says he deliver'd it.

A Supplementary Bill for the killing Wolves, Crows and
Squirrels from the Lower House by M^r Tyler and M^r King
thus endors'd (Viz.)

By the Lower House of Assembly October the 16th 1722

Read the first and Second Time, by especial order & will p. 10
pass.

Signed p order M: Jenifer Cl: Lo: Ho.

Order'd that the said Bill be read a first & second Time; and
the Bill was read a first and second Time; and ordered to be
thus endorsed (Viz.)

By the Upper House of Assembly

Oct^r the 16th 1722

Read and will pass

Signed p order Sam^l Skippon Cl. Up. Ho.

Which Bill so endorsed is sent to the Lower House by Col
Holland who returns and says he delivered it

A Message from the Lower House by Col Mackall and five
more Viz.

By the Lower House of Assembly Oct. the 16th 1722

May It please your Hon^{rs}

We have considered your Endorsment on the Bill for
Encouragement of Tillage &c^a and are willing that the Clause

U. H. J. relating to Tend^{rs} extend no farther than upon the Debtors tendring such Commodities after any Decree or Judgment rendred in any Court, or before any single Justice and Certificate thereof made, that the Creditor shall take them within two months from the Time of such Tender; or that in Delay of his taking them within that Time, such Certificate of such Tender and Delay shall amount to an Absolute Stay of Execution till the next Season, which shall be suppos'd to be always betwixt the last Day of November, and the last of April in each year. After which Time he shall be oblig'd to take any the Commodities aforesaid in the same manner as before, if the Debtor has not then the Species contracted for. But as to Officer's ffees We cannot apprehend that there is any Reason for excepting them out of the Bill, but that they ought to be under the same Circumstances as other Creditors of receiving their ffees in the Commodities of the Country; forasmuch as they being Residents in the Country, ought to share with their fellow Subjects in submitting to such Inconveniencies as are absolutely necessary for the Relief and Ease of the Poor.

As to the Commodities being too high rated we are of opinion that they are reasonably enough rated seeing It is only in Current money

We likewise propose that an Amendment be made in the proviso of the Bill that they shall not extend to the Discharge of any Debt that Arose due for Bills of Exchange or money really and bonâ fide borrowed by such Debtor of such Creditor

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

Adjourn'd till to morrow morning nine of the Clock

p. 11

Wednesday October the 17th 1722

Met according to Adjournment

Present

The Honble	{	Thomas Brook Esq ^r	Col Tho ^s Addison
		Col W ^m Holland	Col Rich ^d Tilghman
		Col Sam ^l Young	Col M. Tilgh Ward
		John Hall Esq ^r	Ja ^s Bowles Esq ^r
		Philemon Lloyd Esq ^r	John Rousby Esq ^r

Members of the Upper House

A Bill for the Relief of Francis Gandevit and John Read

from the lower House by Col Ward and M^r Chaires thus U.H.J.
further endors'd Viz.

By the Lower House of Assembly Oct^r the 17th 1722
May it please Your Honours

The Deed from Birmingham to Riddlesden not being recorded according to the Directions of the Act of Assembly of Maryland unless that Defect be supplied, the Confirming the Deed from Riddlesden to Gandevit and Read will avail them nothing. Therefore It is proposed that as they pay the Consideration for the Land, they be in the same Condition as if all the Deeds had been duly acknowledg'd and recorded, and that it be an Amendment to the Bill, & that your Honours would Consent thereto.

Signed p order M: Jenifer Cl. Lo. Ho.

To which the following Message is prepar'd

By the Upper house of Assembly

Oct the 17th 1722

Gentlemen. The within Bill will pass with the Amendments propos'd in your message by Col Ward and M^r Chaires

Signed p ord^r Sam^l Skippon Cl. Up. Ho.

Which Answer is sent to the Lower House by Esq^r Hall who returns and says he delivered it.

Ordered that the following answer be made to the message from the Lower House yesterday by Col Mackall and five more Viz.

By the Upper House of Assembly Oct. the 17th 1722

Gentlemen. We are of opinion that the Evil Complained of in our Endorsment on the Bill for the Encouragem^t of Tillage &c. is not at all remedied with Relation to the Creditor by the methods proposed in your message of yesterday by Col Mackall and five more, in regard that it puts him to a greater Expen^ce than before, and yet obliges him at last to accept the same Commoditys mention'd in the Bill as Satisfaction for his debt; for which Reason as well as for the Reasons before given we cannot consent that the Bill should pass.

p. 12

Signed p order Sam^l Skippon Cl Up Ho.

Which answer is sent to the Lower House by Col. Addison and Col Tilghman who return and say they delivered it.

Adjourn'd till the morning nine of the Clock

U. H. J.

Thursday October the 18th 1722

Met according to Adjournment

Present

The Honble	{	Thomas Brook Esq ^r	Philemon Lloyd Esq ^r
		Col. W ^m Holland	Col Rich Tilghman
		Col Sam ^l Young	Col M. Tilgh. Ward
		John Hall Esq ^r	James Bowles Esq ^r
		Col Tho ^s Addison	John Rousby Esq ^r

Members of the Upper House

A Message from the Lower House by M^r Robert Tyler and Seven more which is as follows Viz.

By the Lower House of Assembly Oct^r the 18th 1722

May it please Your Honours

This House is willing to decline any thing relating to the manner of Tenders and the Prices as proposed in the Bill for Encouragement of Tillage &c. being willing the prices remain as in the Act now in force, But desire your Honours will (for the Reasons by us before given in our message by Col Mackall and five others) consent that Officers fees be paid by the several Commodities in the said Bill mentioned, as other Debts therein specified are to be paid.

Sign'd p order M: Jenifer Cl. Lo. Ho.

Adjourned till to morrow morning nine of the Clock

Friday October the 19th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Thomas Brooke Esq ^r	Philemon Lloyd Esq ^r
		Col W ^m Holland	Col Rich ^d Tilgman
		Col Sam ^l Young	Col M. Tilgh. Ward
		John Hall Esq ^r	James Bowles Esq ^r
		Col Tho ^s Addison	John Rousby Esq ^r

Ordered that An answer be prepar'd to the Message from the Lower House yesterday by M^r Tyler & seven others. And the following Answer is prepared Viz.

By the Upper House of Assembly

U. H. J.
p. 13

Oct^r the 19th 1722

Gentlemen. On reading your Message of yesterday by M^r Tyler and seven others, and the Reasons referr'd to in your former message relating to the Bill for Encouragem^t of Tillage &c. We are still of opinion that Officers ought not to be comprehended within that Law, for that their Circumstances are very different from other Creditors

1. In Regard that the Fees of the Secretary, Commissary &c. become due in all Parts of this Province, and many of them in very small Parcels, so that should they be paid in the Commodities mentioned in this Bill, no Persons would take the Trouble to Collect them, if they might have them for their Pains.

2. Officers are obliged to Credit all Persons who apply to them, and have not the Liberty of Choosing who they will Credit, and whereas other Creditors have, and

3. When such fees are received in small Parcels as many of them must necessarily be, the Officers had better let them lye and perish (which they would in a short Time) than be at the Expence of fetching them

And we further observe that the Sherriffs of the several Counties who have the Collecting of Officers Fees, if they should be oblig'd to take the af^d Commodities, would be thereby disabled from making up Hogsheads of Tobacco and be obliged to receive great part of their Tobacco in parcels, which would ruin them and very much prejudice the publick Credit.

And we cannot think it would be any Advantage to the poorer sort of People, who seldom have more of those Commodities than will supply their family Occasions, but would rather give advantage to some dishonest Persons to divest themselves of the Species they are sued for and procure those Commodities purely to disappoint and perplex their Creditors, Besides the Fees of the several offices are already so reduc'd that they are scarce sufficient to support the Officers; & We cannot but think it for the honour of our Country that they should be handsomely supported in their several Stations, For which reasons and many more that might be alledg'd We cannot consent that the Bill should pass.

Signed p order Sam^l Skippon Cl. Up. ho.

Which Answer is sent to the Lower house by Col Ward James Bowles Esq^r and John Rousby Esq^r who return & say p. 14 they delivered it

U. H. J. A Bill from the Lower House by M^r Tyler and three others to confirm Lands devised for the use of the Church, thus Endorsed viz.

By the Lower House of Assembly Oct the 18th 1722

Read the first Time and ordered to lye on the Table for further Consideration.

Signed p^r Order M: Jenifer Cl. Lo. Ho.

and further thus

By the Lower House of Assembly Oct the 19th 1722

Read the second Time and will pass

Sign'd p Order M: Jenifer Cl Lo. Ho.

Ordered the Bill be read; and the Bill was read the first Time. Order'd that the Bill lye on the Table for the Perusal of the members of the House. Then Ordered that the Bill be read a second Time and endorsed; and the Bill was read a second Time and the following Endorsment made thereon Viz.

By the Upper House of Assembly Oct^r the 19th 1722

We conceive that Part of the Provisoe in the Bill comprised in these words viz (or about which there is at this Time any Contest or Law suit depending) ought not to be inserted, because a case now depending, and not determined by Law, has as good and equitable a Right to the Benefit of this Bill, as any Case not yet brought into Dispute; with which Alteration this Bill will pass

Signed p ord^r Sam^t Skippon Cl Up ho.

And the Bill so Endorsed is sent to the Lower House by Col Young and Esq^r Hall who return and say they delivered it.

A Bill from the Lower House by M^r Chaires and M^r Solomon Wright to enable Hugh Matthews to sell a Tract of Land lying in Queen Ann's County called Jones's fancy whereof Dennis Sullyvan died seized thus endorsed Viz.

By the Lower House of Assembly Oct^r the 19th 1722

Read the first and second Times by especial Order & will pass

Signed p order M: Jenifer Cl Lo Ho.

Ordered that the Bill be read; and the Bill was read the first U. H. J.
p. 15
Time

Ordered that the Bill lye on the Table for the Perusal of the Members of the House

A Bill from the Lower House by Col Hammond and M^r Tolley for Uniting Part of S^t Paul's Parish in Baltimore County to Westminster Parish in Ann Arundel County thus Endorsed viz.

By the Lower house of Assembly Oct^r the 19th 1722

Read the first and Second Times by Especial ord^r and will pass.

Signed p ord^r M: Jenifer Cl Lo Ho.

Order'd that the Bill be read, and the Bill was read and the following Endorsment made thereon (viz)

By the Upper House of Assembly

Oct^r the 19th 1722

Read and will pass

Signed p order Sam^l Skippon Cl. Up. ho.

Which Bill so Endors'd is sent to the Lower House by Col Holland, who returns and says he delivered it.

An Engrossed Bill from the Lower house by M^r Chaires and M^r Sutton being a further Supplementary Bill for the Killing Wolves, Crows and Squirrells thus Endors'd Viz.

Eodem Die. Read again & passed for Engrossing

M: Jenifer Cl. Lo. Ho.

And also An Engross'd Bill from the Lower House by M^r Edward Wright and M^r Philip Kennard for the Relief of Francis Gandevit and John Read both of the City of Philadelphia thus Endors'd Viz.

Eodem Die

This Bill being amended accordingly was read with the Amendments proposed and pass'd for Engrossing

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

Which Bills being severally read are Assented to by this House and thus severally Subscribed viz.

October the 19th 1722

Read and assented to by the Upper House of Assembly and

Signed p^r order Sam^l Skippon Cl. Up. Ho.

U. H. J. A Message from the Lower House by M^r Humphreys and three others which is as follows (Viz)

By the Lower House of Assembly Oct^r the 19th 1722
May it please your Honours.

The Reason of the Exception in the within Bill is because we esteem it Unparliamentary and not fit to be drawn into Practice that while any Contest is depending an Act should be made to alter that Law on which the contending Parties grounded their Suits, which would be indeed to make the Act have a Retrospect, and besides to leave out that Exception would be to grant the Petitioners more than they pray'd for

Signed p ord^r M: Jenifer Cl. Lo. Ho.

p. 16 Adjourn'd till to Morrow Morning nine of the Clock

Saturday October the 20th 1722

Met according to Adjournment

Present

His Honour The Governour

The honble	{	Thomas Brooke Esq ^r	Philemon Lloyd Esq ^r
		Col W ^m Holland	Col Rich ^d Tilghman
		Col Samuel Young	Col M. Tilghm. Ward
		Col Thomas Addison	James Bowles Esq ^r

The original Bills assented to by this House yesterday are Sent to the Lower House of Assembly by Col Young who returns and says he delivered them.

A Bill from the Lower House to regulate Prosecutions in Criminal Cases, and also

Another Bill for the amendment of the Law and the speedy Advancement of Justice in Relation to the Assessing of Damages and also

Another Bill for Continuing all Causes in the High Court of Appeals from the Court that was appointed to be held in July 1722 for the Time therein mentioned

The which Bills are brought up to this House by M^r Beal and three Others and are severally thus endorsed viz.

By the Lower House of Assembly Oct^r the 20th 1722

Read the first and second Times by Especial ord^r and will pass

Signed p order M Jenifer Cl. Lo. Ho.

A Bill from the Lower House by M^r Stoddert & M^r Lloyd U. H. J.
for preventing the destroying of Boundaries or Bounded
Trees and the Bounding of Trees or setting up Boundaries
without Lawful Authority thus endorsed

By the Lower House of Assembly

Oct^r the 20th 1722

Read the first and second Times by Especial order and will
pass

Signed p ord^r M: Jenifer Cl. Lo. Ho.

Adjourned till Monday morning nine of the Clock

Monday October the 22^d 1722

Met according to Adjournment

Present

The honble {	Col W ^m Holland	Col Rich ^d Tilghman
	Col Sam ^l Young	Col Thomas Addison
	Philemon Lloyd Esq ^r	

Met according to Adjournment

His Honour the Governour having communicated to this p. 17
Board A Letter of Col Alexander Spotswood's and Particu-
larly one Paragraph of said Letter relating to Runaway
negrões and Slaves received and protected by the Shuannoe
Indians, It is thought proper that a Copy of said Paragraph
be made out and sent to the Lower House and Ordered that a
Message be prepared thereon; which Message is as follows
Viz.

By the Upper House of Assembly Oct^r the 22^d 1722

Gentlemen. His Honour the Governour having communi-
cated to us a Paragraph of Col Spotswood's Letter to his
Honour of the 13th of this Instant October, We have Sent you
a Copy thereof which is as follows viz.

Another Proposition I have to make to your Indians with
Respect to Runaway negroes and Slaves; it being a matter
of Importance w^{ch} must greatly affect the Properties of
People in these Parts if Indians be allowed to harbour our
Slaves, as the Shuannoos at this Time do, and protect them
under the Pretence of having set such Slaves free

This, Gentlemen, we look upon as a matter of great Im-
portance to this Province, several of our own negroes and

U. H. J. Slaves having already run away to the said Indians, and living now among them; which if not in Time prevented, may be an Encouragement to greater numbers of them to do so. We therefore recommend this to your Consideration; as also the mischievous Consequences of the unlawful and Tumultuous meetings of Negroes, Who under the Pretence of mirth hatch and Contrive all the Evil they can, of w^{ch} we have lately had a Remarkable Instance in the barbarous Design of the negroes of Virginia, though happily before Execution prevented

Signed per order Sam^l Skippon Cl Up Ho.

Which Message is sent to the Lower House by Col Addison who returns and says he deliver'd it.

Ordered that the Bill to confirm Lands devis'd for the use of the Church be thus further endorsed Viz.

By the Upper House of Assembly Oct^r the 22nd 1722

Gentlemen. In answer to your Message of the 19th Instant by M^r Humphries and three others, the Bill (being read) will pass as propos'd

Signed p Ord^r Sam^l Skippon Cl. Up. ho.

Which Bill so Endorsed is sent to the Lower House by Col Tilghman who returns and says he delivered it

A Bill to Impower Hugh Matthews to sell a Tract of Land lying in Queen Ann's County &c^a read a Second Time and the following Message prepared thereon (viz)

p. 18 By the Upper House of Assembly Oct^r the 22^d 1722

Gentlemen. This Bill as it now Stands will not pass but it is proposed that Commissioners be appointed to make Sale of the Lands for the same uses

Signed p order Sam^l Skippon Cl Up Ho.

Which Message is sent to the Lower House by Esq^r Lloyd who returns and says he delivered it

A Bill to regulate Prosecutions in Criminal Cases and A Bill for the Amendment of the Law and the speedier Advancement of Justice in Relation to the Assessing of Damages, Also,

A Bill for continuing all Causes in the High Court of Appeals from the Court that was appointed to be held in July

1722 for the Time therein mention'd are severally read and U. H. J.
Severally thus endorsed Viz.

By the Upper House of Assembly Oct^r the 22^d 1722
Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Which Bills so Endorsed are sent to the Lower House by
Col Holland who returns and says he delivered them

A Bill for preventing the destroying of Boundaries or
bounded Trees, and the bounding of Trees, or setting up
Boundaries without Lawful Authority is read and thus En-
dorsed Viz.

By the Upper House of Assembly

October the 22^d 1722

Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Col
Young who returns and says he delivered it.

A Message from the Lower House by M^r Humphries and
M^r Chaires which is as follows (viz)

By the Lower House of Assembly

Oct^r the 22^d 1722

May it please your Honours.

We concur with your Honours' Message of this Day by
Col Addison and shall consider of proper Methods for the
Redressing the Aggrievances complained of with all con-
venient Speed

Signed p order M: Jenifer Cl Lo ho.

A Bill from the Lower House for the Encouragement of
Tillage and Relief of Poor Debtors. Also,

Another Bill for Regulating Amerciaments in the Provin-
cial & County Courts and directing the Application of them,
and for Repealing Part of an Act entituled an Act for the
better Administration of Justice in the High Court of Appeals
Chancery Provincial and County Courts of this Province, for
the more speedy Recovery of Debts, easy obtaining of Execu-
tions against Persons absenting from the Counties where the
Judgments were recovered against them for the preventing
Commissioners Sherriffs, Subsherriffs and Deputy Clerks to
plead as Attornys in the Respective Courts to which they

U. H. J. belong, and for Amerciaments in the Provincial and County Courts. Both Bills brought in by M^r Humphries and three others thus Endorsed Viz.

By the Lower House of Assembly Oct^r the 22^d 1722

Read the first and second Times by especial order and will pass

Signed p ord^r M: Jenifer Cl Lo Ho.

An Engrossed Bill from the Lower House by M^r Beale and M^r Oldham for uniting Part of S^t Paul's Parish in Baltimore County to Westminster Parish in Ann Arundel County thus Endorsed Viz.

Eodem die. Read again and passed for Engrossing.

M: Jenifer Cl. Lo. Ho.

Adjourned till to morrow morning nine of the Clock.

Tuesday October the 23rd 1722

Met according to Adjournment

Present.

His Honour the Governour

The Honourable	{	Col W ^m Holland	Philemon Lloyd Esq ^r
		Col Samuel Young	Col Richard Tilghman
		Col Thomas Addison	John Hall Esq ^r

Members of the Upper House

The Engross'd Bill from the Lower House yesterday by M^r Beale and M^r Oldham read and Assented to by this House and thus Subscribed (viz.)

October the 23rd 1722

Read and Assented to by the Upper House of Assembly, &

Signed p order Sam^t Skippon Cl Up Ho.

Ordered that the Bill for the Encouragement of Tillage &c^a (brought up from the Lower House by M^r Humphries and three Others yesterday) be read and the Bill was read & thus endorsed Viz.

By the Upper House of Assembly Oct. the 23^d 1722

This Bill being read will pass with the following Amendments

1. That the Title be, An Act for the better Relief of Poor U. H. J. Debtors.

2. Where the Debtor and Creditor live in the same County all Tenders shall be made to the Creditor at the Creditor's House or at such Place in the Same County where the Creditor, or upon his Refusal, the Sherriff shall appoint

If due to an Officer or a Creditor that lives out of the County where the Debtor lives; then at the Sheriffs House, or where the Sherriff shall appoint in the County

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so Endorsed is sent to the Lower House by Col Addison who returns and says he delivered it, together with the Original Bill this Day Assented to. p. 20

The Bill to Enable Hugh Mathews to sell Dennis Sullyvan's Land from the Lower House by Col Ward and M^r Jordan thus further Endorsed Viz.

By the Lower House of Assembly Oct. the 23rd 1722
May it please your Hon^{rs}

The Appointment of Commissioners will be expensive and there being but one hundred and fifty acres of Land to be sold, the Produce of which will not pay what the Testators Debts will exceed his Personal Estate, so that there is a necessity of using all the good Husbandry that can be to save Charges, Therefore it is propos'd by this House that Hugh Mathews the Executor give new and good Security for the Due Administration of the Deceased's Estate, that That Security be chargeable with the money or Tobacco the Land may be sold for and he be empowered to Sell

Signed p Ord^r M: Jenifer Cl Lo. Ho.

To which The following Answer is prepar'd (Viz.)

By the Upper House of Assembly Oct^r the 23rd 1722

This Bill being read will pass in the Manner proposed by your House.

Signed p order Sam^l Skippon Cl Up Ho.

Which Answer is sent to the Lower House by Esq^r Lloyd who returns and Says he delivered it

A Further Supplementary Bill (from the Lower House by M^r Waughop and M^r Taylor) to the Act for the better Admin-

U. H. J. istration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, Securing filial Portions and distribution of Intestates Estates, thus endors'd Viz.

By the Lower House of Assembly

Oct^r the 23^d 1722

Read the first and second Times by Especial order and will pass

Signed p Ord^r M: Jenifer Cl Lo ho.

Ordered that the Bill be read, and the Bill was read and ordered to lye on the Table for the Perusal of the Members of this House

A Message from the Lower House by Cap^t Harrison and M^r W^m Whittington which is as follows

By the Lower house of Assembly Oct^r the 23rd 1722

May it please y^r Hon^{rs}

This House taking into Consideration the bad State of the Prison & Prisoners in the publick Goal at Annapolis are willing the Prison should be repaired And for that End We desire your Honours will be pleased to appoint one of the members of your House to joyn with M^r Robert Tyler and John Beale Esq^r (whom we have appointed of our House) to agree with proper Workmen for the necessary repairs thereof, at such Time and Place as they shall think fit after this Session

Signed p Order M: Jenifer Cl Lo. Ho.

Adjourned till to Morrow morning nine of the Clock

Wednesday Oct^r the 24th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble {	Col W ^m Holland	Philemon Lloyd Esq ^r
	Col Sam ^l Young	Col Rich ^d Tilghman
	Col Thomas Addison	

Members of the Upper House

Ordered that the Bill for regulating Amerciaments &c be

read; and the Bill was read and the following Endorsment U. H. J. made thereon Viz.

By the Upper House of Assembly

Oct^r the 24th 1722

This Bill being read we find the last enacting Clause will erect such an Arbitrary Judicature as is entirely unknown to our Laws, and which may hereafter be the Source of innumerable Evils to the People by creating tedious Disputes between the Courts and the Lawyers, to the great Delay of Business; without that Clause the Bill will pass

Signed p Ord^r Sam^l Skippon Cl Up Ho.

Which Bill so Endorsed is sent to the Lower House by Col Tilghman who returns & says he delivered it

A Bill from the Lower House by M^r Sherwood and M^r Oldham, to enable James Lloyd and Anne his Wife and Deborah Pemberton Surviving Executors of Robert Grundy Deceased to convey the Lands and Watermill therein mentioned according to the Sales thereof made by the Deceased in his Life Time thus Endorsed (Viz.)

By the Lower House of Assembly

Oct^r the 24th 1722

Read the first and second Times by Especial Order and will pass

Signed p ord^r M Jenifer Cl Lo Ho.

Ordered that the Bill for the better Administration of Justice in Testamentary Affairs &c. be read again and the Bill was read and the following Message prepared thereon Viz.

By the Upper House of Assembly Oct^r the 24th 1722

Gentlemen. This Bill entituled a further Supplementary Act for the better Administration of Justice in Testamentary Affairs &c^a being read will pass with the following Additions p. 22 viz.

In the second Paragraph the second line of that Paragraph, after the words (Debt due as af^d) the Words (from any other Executor or Administrator) & in the last Paragraph in the second line of that Paragraph, after the Words (sufficient Sureties) the Words (such as the several County Courts who are hereby directed and Impowered to take the same shall approve of)

Signed p order Sam^l Skippon Cl Up ho.

U. H. J. Which Message with the Bill is sent to the Lower House by Col Holland who returns and says he delivered it

Order'd that the Bill (to Enable James Lloyd and Anne his Wife & Deborah Pemberton to make over Rob^t Grundy's Lands by him in his Life Time sold), be read; and the Bill was read and thus Endosed Viz.

By the Upper House of Assembly Oct^r the 24th 1722
Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Ordered that the following Answer be prepared to the message from the Lower House yesterday by Cap^t Harrison and M^r Whittington Viz.

By the Upper House of Assembly

Oct^r the 24th 1722

Gentlemen. In answer to your Message yesterday by Cap^t Harrison and M^r Whittington, This House doth appoint Col Samuel Young a member thereof to joyn with M^r Robert Tyler and John Beale Esq^r (appointed by your House) to agree with proper Workmen for the necessary Repairs of the Publick Goal at Annapolis at such Time and Place as they shall think fit after this Sessions.

Signed p order Sam^l Skippon Cl Up Ho.

And the Bill as above endorsed is sent to the Lower House by Col Young who returns and says he delivered it

The answer of this house relating to the repairs of the Publick Goal at Annapolis is sent down to the Lower House by Col Addison who returns and says he delivered it

The petition of Elizabeth Guibert and Thomas Guibert of S^t Mary's County was read and thus Endors'd viz.

By the Upper House of Assembly Oct^r the 24th 1722

Upon deliberate Consideration of the within Petition and Platt, it is obvious to us that the Petitioners have manifest Injustice done them; And for that we apprehend the Land Commissioners had not a Power by Law to ascertain the Bounds of Land conveyed by Deed out of an Original Tract, we earnestly recommend this particular Case to your Consideration for Relief

Signed p Ord^r Sam^l Skippon Cl Up Ho.

Which petition so Endorsed was sent to the Lower House U. H. J.
by Esq^r Lloyd Who returns and says he delivered it p. 23
Adjourned till to Morrow Morning nine of the Clock.

Thursday October the 25th 1722

Met according to Adjournment

Present

His Honour the Governour

The honble	{	Col Will ^m Holland	Col Sam ^l Young
		Col Tho ^s Addison	Philemon Lloyd Esq ^r
		Col Rich ^d Tilghman	James Bowles Esq ^r
Members of the Upper House			

The Petition of William Anglin Senior to the Governour
and Council and thus endorsed Viz.

By the Governour and Council Oct^r the 25th 1722

This petition being read is referred to the Consideration
of the General Assembly

Signed p ord^r Sam^l Skippon Cl Concil.

Which Petition being read is Ordered to be thus Endorsed
(Viz)

By the Upper House of Assembly Oct the 25th 1722

This Petition (recommended to the Consideration of this
Present General Assembly by the Governour and Council)
being read, is referred to the Consideration of the Lower
House

Signed p order Sam^l Skippon Cl Up: Ho.

Which Petition so endors'd is Sent to the Lower House by
Esq^r Bowles Who returns and says he deliver'd it.

Order'd that a Message be prepar'd relating to the Com-
plaints made by the Eastern Shore Indians of the English
incroaching into their Bounds refusing to pay the Rent agreed
for, or to pay the Price of Lands bought from them, and the
following Message is prepared

By the Upper House of Assembly Oct^r the 25th 1722

Gentlemen. The Indians upon the Eastern Shore having
made frequent Complaints to the Governour and Council of
the many Injuries done them, either by Purchases made of

U. H. J. their Land when in Drink, or of Incroachments made by the English into their Bounds, and of such Persons also, who, having entered upon their Lands by Consent, and upon Conditions of paying Rent therefore have not complied therewith, so that the Indians on the one Hand are Cheated of their Rents, and on the other Hand with the Loss of their Lands;
 p 24 the first of which gives a great deal of Unnecessary Trouble to this Government, as the other will lay us under a necessity of purchasing more Lands for them to make Corn upon; for Prevention whereof, and for discouraging for the future, the many Quarrels and differences that have daily arisen thereon; it is recommended unto your House to prepare a short Bill to oblige all such English People as are Seated upon their Lands to pay the Rents contracted for; that no Englishman, for the future, be allowed to lease Lands from them for more than seven years, nor any Lease or Leases already made to inure longer than the Term of seven years aforesaid; and lastly to make void all Sales by them already made since November last, as well as such as shall be made for the Time to come; with a Provisoe to make good and Valid such Sales as have been already made since November aforesaid or shall be hereafter made, to the English, of Lands lying upon the back of the Choptank Tract, and heretofore laid out by Warrants from the Land Office of this Province

Signed p ord^r Sam^l Skippon Cl Up Ho.

Which Message is sent to the Lower House by Col Holland who returns and says he delivered it.

A Message from the Lower House by M^r Benjamin Mackall and M^r Hooper which is as follows Viz.

By the Lower house of Assembly

October the 25th 1722

May it please Your Honours

We have Heard the Allegations of Major Nicholas Sewall in Relation to the Land Called Darby and Indian Neck supposed to be included within the Bounds of the Indians' Land and at present find that only six hundred Acres of Land called Indians' Neck is proved to be within the Indians' Lands, for which we have agreed with the said Major Sewall to allow him thirty Thousand Pounds of Tobacco and to pay him five hundred Pounds of Tobacco more for his Charges thereon, that the said Major Sewall is willing and ready upon the paying, or securing the Payment of the Tobacco to execute a Release for the same to the publick with which we hope your Hon^{rs} will Concur and with the payment of the Tobacco

Signed p order M: Jenifer Cl Lo. Ho.

Six Engrossed Bills from the Lower House by Cap^t Harrison and M^r Travers viz. U. H. J.
p. 25

An Engross'd Bill to confirm Lands devised for the use of the Church

An Engrossed Bill to regulate Prosecutions in Criminal Cases

An Engrossed Bill for the Amendment of the Law and the speedy Advancement of Justice in Relation to the assessing of Damages,

An Engrossed Bill for Continuing all Causes in the High Court of Appeals to be held in July 1722 for the Time therein mention'd

An Engrossed Bill for preventing the destroying of Boundaries or bounded Trees and the bounding of Trees or setting up Boundaries without lawful Authority,

An Engrossed Bill to enable James Lloyd and Anne his Wife and Deborah Pemberton Surviving Executors of Rob^t Grundy deceased to convey the Lands and Water mill therein mention'd according to the Sales thereof made by the deceased in his Life Time thus severally endorsed

By the Lower House of Assembly

October the 22^d 1722

Read again and past for Engrossing

Sign'd p order M: Jenifer Cl Lo Ho.

Adjourn'd till to morrow Morning nine of the Clock

Friday October the 26th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble {	Col W ^m Holland	Philemon Lloyd Esq ^r
	Col Sam ^l Young	Col Rich ^d Tilghman
	Col Thomas Addison	James Bowles Esq ^r

Members of the Upper House

The six Engross'd Bills brought up yesterday from the Lower House by Cap^t Harrison and M^r Travers and assented to by that House, are severally read and assented to by this House and thus subscribed viz.

October the 26th 1722

Read and assented to by the Upper House of Assembly &

Signed p Order Sam^l Skippon Cl. Up. Ho.

U. H. J. And the Original Bills are sent to the Lower House by Col Addison who returns and says he delivered them

A Bill from the Lower House by M^r John Read and M^r Pritchett to enable Thomas Dent of Charles County to sell a
 p. 26 Tract of Entailed Land in Prince Georges County called Locust Thicket and for entailing other lands in Charles County in Lieu thereof thus endorsed viz.

By the Lower House of Assembly October the 26th 1722
 Read the first and second Times by especial Order and will pass

Signed p Ord^r M: Jenifer Cl Lo ho.

Adjourned till to morrow Morning nine a Clock

Saturday October the 27th 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Col W ^m Holland	Philemon Lloyd Esq ^r
		Col Sam ^l Young	Col Rich ^d Tilghman
		Col Tho ^s Addison	James Bowles Esq ^r
		Col M. Tilgh Ward	

Members of the Upper House

Ordered that the Bill (brought up yesterday from the Lower House by M^r John Read and M^r Pritchett) be read; and the Bill was read and thus endorsed (viz.)

By the Upper House of Assembly Oct^r the 27th 1722

Upon Reading the within Bill We think it reasonable that Anne the Wife of Thomas Dent, in whom the Estate is, be joyned with said Dent in the Sale of it.

And for that we are fully inform'd that the said Anne has a Right to a Part of the Tract only by her Father's Donation; we are of opinion that the Law should relate to that Part of the Tract only w^{ch} belonged to her by virtue of her Father's Deed of Gift.

But as to that Clause of the Act relating to the mortgage, since we are not satisfied concerning the Validity thereof; and know not but that it may be made by Collusion and with Design to defeat his Creditors of their just Debts We cannot till we are Satisfied therein, consent that the Bill should pass

Signed p Ord^r Sam^l Skippon Cl Up Ho.

Which Bill so Endorsed is sent to the Lower House by U. H. J. Col Tilghman who returns and says he delivered it.

The petition of Michael Piper praying Leave to print the Publick Laws enacted this Sessions & to be Enacted hereafter, was read and thus Endors'd (Viz.)

By the Upper House of Assembly

Oct^r the 27th 1722

We look upon the Proposals of the within Petitioner to be very serviceable to the Publick and therefore recommend them to the Consideration of your House

Signed p order Sam^l Skippon Cl Up Ho.

And the petition so Endors'd is sent to the Lower House by p. 27 Col Ward, who returns and says he deliver'd it

A Bill from the Lower House by Col Mackall and five others, for the better Relief of poor debtors thus Endors'd (viz.)

By the Lower House of Assembly Oct^r the 27th 1722

This Bill being Amended is read with the Amendments and will pass

Sign'd p Ord^r M: Jenifer Cl. Lo. Ho.

Ordered that the Bill be read; and the Bill was read, and ordered to lye on the Table for further Consideration

A Bill from the Lower House by M^r Tolley and M^r Taylor for the Continuance of Process in Baltemore County Court thus endorsed Viz.

By the Lower House of Assembly Octo^r the 27th 1722

Read the first and second Times by Especial Order and will pass

Signed p Ord^r M: Jenifer Cl. Lo. Ho.

Ordered that the Bill be read; and the Bill was read and thus Endorsed

By the Upper House of Assembly Oct^r the 27th 1722

Read and will pass

Signed p ord^r Sam^l Skippon Cl Up Ho.

Which Bill so Endorsed is sent to the Lower House by Esq^r Bowles who returns and says he delivered it

U. H. J. It being put to the Vote whether Maj^r Sewall should have thirty Thousand Pounds of Tobacco in Consideration of Six hundred Acres of Land included within the Indians' Bounds, as proposed by a message from the Lower House the 25th Instant brought up by M^r Benj^a Mackall and M^r Hooper or a less Sum Votes were equal; for allowing that Sum Col Holland Philemon Lloyd Esq^r and James Bowles Esq^r against it Col Young Col Tilghman and Col Ward.

An Engrossed Bill from the Lower House by M^r King and M^r Hudson for the better Administration of Justice in Testamentary Affairs, granting Administrations, Recovery of Legacies, securing filial Portions and Distribution of In-testates Estates thus Endorsed

By the Lower House of Assembly Oct^r the 24th 1722

Read and amended and past for Engrossing

Sign'd p order M: Jenifer Cl Lo. Ho.

Which Bill being read is Assented to by this House and thus subscribed (viz.)

By the Upper House of Assembly Oct. the 27th 1722

Read and Assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl Up Ho.

Adjourn'd till Monday Morning nine of the Clock.

p. 28

Monday October the 29th 1722

Met according to Adjournment

Present

His Honour The Governour

The Honourable	{	Col W ^m Holland		Cil Rich Tilghman
		Col Sam ^l Young		Col M. Tilgh. Ward
		Philemon Lloyd Esq ^r		James Bowles Esq ^r
Members of the Upper house				

Ordered that the following Message be prepared on the Bill for the Better Relief of poor Debtors brought up from the Lower House on Saturday last by Col Mackall and five others (Viz.)

By the Upper House of Assembly Oct^r the 29th 1722

Gentlemen. This Bill being read we Observe that the Amendment is made so as to leave it a Doubt whether a Debtor

may not tender the several Commodities mentioned in the Bill, U. H. J. before he is imprison'd by the Creditor which is a Point We insisted upon, and you conceded to, that Tenders should not be made before Imprisonment, wherefore we desire that you will form the Bill accordingly, Otherwise we may be justly reproached with partiality to the Officers who are upon a much better Foot than other Creditors as the Bill now stands which was never our Intention nor have you made any Exception of publick Levies & the forty p poll nor of any foreign Trader except only of such as trade from Great Britain hither

Signed p ord^r Sam^l Skippon Cl Up Ho.

Which Message with the Bill (and the original Bill assented to on Staurday last by this House) is sent to the Lower House by Col Young who returns and says he delivered them.

A Bill from the Lower House by M^r James Lloyd and M^r Ralph Crabb for regulating Amerciaments &c^a thus Endorsed Viz.

By the Lower House of Assembly Oct^r the 29th 1722

We have amended the within Bill so as that we hope it will be agreeable to your message and that it will pass in your House.

Sign'd p ord^r M: Jenifer Cl Ho. Ho.

Ordered that the Bill be read with the Amendments, and the Bill was read, and this Endorsment made thereon Viz.

By the Upper House of Assembly Oct^r the 29th 1722 p. 29

Read with the Amendments and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Esq^r Lloyd who returns and says he delivered it.

A Supplementary Bill from the Lower House by M^r Beale and Cap^t Hooper to the Act for repairing the Damages already sustain'd in the Records of the Land, Secretary's Commissary's and County Court Offices and for security of the same Records for the future thus Endorsed (Viz.)

By the Lower House of Assembly Oct^r the 29th 1722

Read the first and second Times by Especial order and will pass

Signed p ord^r M: Jenifer Cl Lo Ho.

U. H. J. Order'd that the Bill be read; and the Bill is read and ordered to lye on the Table for further Consideration.

An Engrossed Bill from the Lower House by M^r Tolley and M^r Hamilton for the Continuance of Process in Baltemore County Court thus Endors'd Viz.

Eodem Die

Read again and past for Engrossing

Signed p Order M: Jenifer Cl. Lo. Ho.

Which being read is Assented to by this House and thus subscribed (viz.)

October the 29th 1722

Read and Assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl Up Ho.

Adjourned till to morrow Morning nine of the Clock

Tuesday October the 30th 1722

Met according to Adjournment

Present

His Honour the Governour

The honble	{	Col W ^m Holland	{	Col Tho ^s Addison
		Col Sam ^l Young		Philemon Lloyd Esq ^r
		Col Rich ^d Tilghman		Col M. Tilgh. Ward
				James Bowles Esq ^r

Members of the Upper House

A Bill from the Lower House by M^r James Lloyd and five others for the better Relief of poor Debtors thus Endors'd (Viz)

p. 30 By the Lower House of Assembly Oct^r the 30th 1722

Your Honours proposing many Alterations in the Bill for the better Relief of poor Debtors we thought it more eligible to have one wholly transcribed than to send up the old Bill to your Honours with the many Blots and Interlineations that could not be avoided, and we hope the Bill as it now stands will be Agreeable to your Honours

Signed p ord^r M: Jenifer Cl Lo Ho.

Ordered that the Bill be read and the Bill is read and En- U. H. J. dorsed viz.

By the Upper House of Assembly Oct^r the 30th 1722

Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so endorsed (with the original Bill for the Continuance of Process in Baltimore County Court) is sent to the Lower House by Col Tilghman and Col Ward who return and say they delivered them

Ordered that the Supplementary Bill brought up yesterday by M^r Beale and Cap^t Hooper be read; and the Bill is read a second Time & the following Endorsment made thereon

By the Upper House of Assembly Oct^r the 30th 1722

The Commissioners being impowered by a Former Act to agree with proper persons to repair the Records in Tobacco only and the Price of Tobacco being uncertain and the Place of Payment precarious no one would agree with them for that Commodity but at extravagant Rates, which is the true Reason that the Records are not yet repaired: Therefore we propose to your House that a Clause be added in the Bill empowering the Commissioners to agree with proper Persons either in Money or Tobacco With which Addition the Bill will pass

Signed p ord^r Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Esq^r Bowles who returns and says he delivered it

A Supplementary Bill (from the Lower House by M^r Stodert and five others) to the Act intituled an Act for preventing the making of Trashy Tobacco and for bettering the Staple of this Province and to the Explanatory Act thereof thus Endors'd

By the Lower House of Assembly Oct^r the 30th 1722

Read the first and second Times by especial order and will pass

Signed p order M: Jenifer Cl. Lo. Ho.

Ordered that the Bill be read and the Bill was read and p. 31 ordered to lye on the Table for further Consideration.

An Engrossed Bill from the Lower House by Cap^t Hooper

U. H. J. and M^r Travers for regulating Amerciaments &c. thus Endorsed viz.

Eodem Die.

Read again and past for Engrossing

M. J:

Which Bill being read is Assented to by this House and thus Subscribed Viz.

October 30.

Read and assented to by the Upper House of Assembly and
Signed p order Sam^l Skippon Cl Up Ho.

The Journal of the Committee of Accounts from the Lower House by M^r Hill and three others Endorsed as follows viz.

October the 30th 1722

Read and assented to by the Lower House of Assembly and
Signed p order M: Jenifer Cl Lo Ho.

Resolved by majority of Votes that Thirty Thousand Pounds of Tobacco to be paid to Major Sewall as proposed in a message of the 25th Instant by M^r Benjamin Mackal and Cap^t Hooper, is too great an Allowance for Six hundred Acres of Land called Indian Neck included within the Bounds of the Indians' Land

Adjourned till to Morrow Morning nine of the Clock.

Wednesday October the 31st 1722

Met according to Adjournment

Present

The honble	{	Col W ^m Holland		Col Rich Tilghman
		Col Sam ^l Young		Col M. Tilgh. Ward
		Col Tho ^s Addison		James Bowles Esq ^r
		Philemon Lloyd Esq ^r		
Members of the Upper House				

A Message from the Lower House by Col Mackal and five others.

By the Lower house of Assembly October the 31st 1722

On Considering your Message of the 13th Instant by Col Young relating to the money now in his Hands arising by the twenty shillings p Poll on negroes &c. for the use of Free

schools, have resolv'd that Col John Mackall Thomas Bordley U. H. J. Esq^r M^r Rob^t Tyler M^r James Lloyd Col John Ward and M^r Rob^t King be a Committee to join with such members of your Honourable House as shall be appointed to confer of such Measures as may be thought necessary to the applying of all such monys arising by that Duty now in the Hands of the Treasurers of the Western and Eastern shores to the Intent for which the same was rais'd who are ready to attend at such Times as your Honours shall propose p. 32

Signed p order M: Jenifer Cl Lo Ho.

The Question being put what would be a Reasonable Satisfaction to Major Sewall for his Land included in the Indians Bounds

Resolved by Majority of Votes that three Thousand p hundred is a Sufficient and Reasonable Satisfaction for said Land and the following Message is prepar'd thereon (viz)

By the Upper House of Assembly Oct^r the 31st 1722

Gentlemen. In answer to your Message of the 25th Instant by M^r Benjamin Mackall and Cap^t Hooper we think it proper to put you in mind of the Privileges of our House, which is invested with a Right and equal share of Power in raising and appropriating the publick money, and if it would not consume too much of our Time at present, should lay before you the evil Consequences of making such positive Agreements as your House has lately done with Major Sewall without having first conferred with our House thereupon in a Parliamentary Way, by which means we seem to be excluded of our Right of judging of the Equity and Justice of the several Sums to be levied on the People, which Practice we hope you will carefully avoid for the future.

As to what Relates to the value of the Lands, or to the Execution of any Release therefore to the Publick by Major Sewall we do not conceive the said Sewall to have any such Right to that Land as will qualify him for the making any such Release thereof, nor Entitule him to so great a Price as Thirty Thousand Pounds of Tobacco agreed for by your House: We therefore propose that three Thousand Pounds of Tobacco p hundred Acres together with five hundred Pounds of Tobacco Charges thereon be allowed to the said Major Sewall for such Right as his Ancestors formerly had unto the said Land before they were estopped therein by the Act for the Continuance of Peace with and Protection of our neighbour and Confederate Indians in Choptank River (viz) that all that Land lying and being on the South side of

U. H. J. Choptank River &c. shall be unto the said Ababco Hatsawap and Tequassimo and the People under their Government or
p. 33 Charge and their Heirs forever Any Law Usage, Custom and Grant to the Contrary hereof in any wise notwithstanding.

Signed p order Sam^l Skippon Cl Up Ho.

Which Message is sent to the Lower House by Col Holland who returns and says he delivered it, & the Original Bill for Amerciaments &c.

Then the House took into Consideration the message from the Lower House by Col Mackal and five others and resolved that Col Ward (the House being thin) be appointed to confer with the Committee appointed by the Lower House of such Measures as may be thought necessary to the applying of all such moneys arising by the Additional Duty on Irish Servants being Papists and negroes and now in the Hands of the Treasurers of the Western and Eastern Shore to the intent for which the same was raised. And the following Message is prepared thereon, Viz.

By the Upper House of Assembly Oct^r the 31st 1722

Gentlemen. In answer to your Message this Day by Col Mackal and five others This House does appoint Col Matthew Tilghman Ward one of their members (the House being thin) to confer with the Committee appointed by your House concerning the matters therein proposed Who is now ready to enter thereon

Signed p Ord^r Sam^l Skippon Cl Up ho.

Which Message is sent to the Lower House by Col Ward who returns and says he delivered it

An Engrossed Bill from the Lower House by M^r Waughop and M^r Sherwood for the better Relief of poor Debtors thus endors'd Viz.

Eodem Die.

Read again and pass'd for Engrossing

M. J:

Which Bill being read is also Assented to by this House and thus subscribed Viz.

October the 31st 1722

Read and Assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl Up Ho.

A Bill from the Lower House by M^r Tyler and three others for the Ease of the Inhabitants in examining Evidences

relating to the Bounds of Land and in the manner of Obtain- U. H. J.
ing Injunctions thus endorsed Viz.

By the Lower House of Assembly Oct^r the 31st 1722

Read the first and second Times by especial Order and will
pass

Signed p order M: Jenifer Cl Lo. Ho.

Ordered that the Bill be read and the Bill was read and p. 34
ordered to lye on the Table for further Consideration

A Message from the Lower House by Col Mackall and five
others viz.

By the Lower House of Assembly October the 31st 1722

May it please your Honours.

This House having made the Several Resolves herewith
sent have thought proper to communicate them to Your
honours

Signed p order M: Jenifer Cl Lo Ho.

Which Resolves are as follow viz.

By the Lower House of Assembly Oct^r the 25th 1722

Proposed by a Member and,

Resolv'd by the House that the members that are appointed
as members of the Committee of Aggrievances have likewise
the Character of a Committee for Courts of Justice and that
That Character and the Duty of such Committee be annex'd
to the said Committee of Aggrievances as a standing part of
their Duty.

And that it be an Instruction to the said Committee as a
Committee of Courts of Justice that they observe the nature of
all the Commissions to the several Courts of Judicature within
this Province, and that they especially observe any Alterations
that may at any time happen by accidental omission or other-
wise therein, and particularly relating to such words therein
as require the several Judges and Justices to hear try and
determine according to the Laws, Statutes, ordinances and
reasonable Customs of England, and of this Province, or to
such other Words as have Relation thereto, and that they
shall immediately make a Report to the House of any Alter-
ations that shall at any Time happen in such Commissions &
likewise to have Regard as near as may be to observe wherein

U. H. J. they differ from the forms of the several sorts of Commissions to the Judges and Justices in England.

Likewise Resolv'd that it be an Instruction to the said Committee to inspect the forms of the Oaths of Office that have been and now are usually taken by the several Magistrates, And that in Case the following Clause be not inserted in the said Oath, it be reported to the House such Clause being agreeable to the Oath taken by the Judges in England and resolved to be necessary here (*viz*)

“ To do equall Law and Right to all the Kings Subjects
 “ Rich and poor and not to delay any person of common Right
 “ for the Letters of the King the Lord Proprietary or any
 “ other, or for any other Cause, But if any such Letters come
 p. 35 “ to them they shall proceed to do Law such Letters notwithstanding

And that Copy of these Resolves be made and given to the said Committee when they first go out every Sessions, and that making and giving such Copies be the undoubted Duty of the Clerk of this House and within the Purview of his Oath.

Resolved also that this Province is not under the Circumstance of a Conquered Country, that if it were the present Christian Inhabitants thereof would be in the Circumstances not of the Conquered but of the Conquerors, It being a Colony of the English Nation encouraged by the Crown to transplant themselves hither for the sake of improving and enlarging its Dominions which by the Blessing of God upon their Endeavours at their own Expence and labour has been in great measure obtained and tis unanimously Resolv'd that whoever shall advance that his Majesty's Subjects by such their Endeavours and Success have forfeited any Part of their English Liberties are Ill wishers to the Country and mistake its happy Constitution.

Resolved also that if there be any Pretence of Conquest it can be only supposed against the native Indian Infidels, which Supposition cannot be admitted, because the Christians purchased great part of the Land they at first took up, from the Indians as well as from the Lord Proprietary, and have ever since Continued in an amicable Course of Trade with them except some partial Outrages and Skirmishes which never amounted to a general War, much less to a general Conquest the Indians yet enjoying their Rights and Privileges of Treaties and Trade with the English, of whom we yet frequently purchase their Rights of such Lands as we take up as well as of the Lord Proprietary.

Resolved further that this Province hath always hitherto had the Common Law and such general Statutes of England

as are not restrained by words of local Limitation in them, and U. H. J. such Acts of Assembly as were made in the Province to suit its particular Constitution as the Rule and Standard of its Government and Judicature such Statutes and Acts of Assembly being Subject to the like Rules of Common Law or equitable Construction as are used by the Judges in Construing Statutes in England, Which happy Rules have by his Majesty and his Royal ancestors and also by his Lordship and his noble Ancestors or some of them been hitherto approved by the Com- p. 36 missions of Judicature to include Directions of that nature to the several Judicial Magistrates unless those words have at any Time been casually and carelessly omitted by the officers in this Province that drew such Commissions. That therefore whoever shall advise his Lordship or his Successors to govern by any other Rules of Government, are Evil Counsellors Ill-wishers to his Lordship and to his present happy Constitution, and intend thereby to infringe our English Liberties and to frustrate in great measure the Intent of the Crown by the Original Grant of this Province to the Lord Proprietary

Resolved further that the foregoing Resolutions of the House are not occasion'd by any Apprehension that the Lord Proprietary had ever infringed or ever had any intention to infringe the Liberties or privileges of the People, or to govern otherwise than according to the Usage and Custom of the Country since the first settlement thereof, but merely to Assert their Rights and Liberties and to transmit their sense thereof and of the nature of their Constitution to Posterity without the least Design of reflecting upon any person whatsoever.

Signed p Ord^r M: Jenifer Cl Lo. Ho.

Then the House went upon the supplementary Tobacco Bill, and order'd the following Endorsment to be made thereon (viz.)

By the Upper house of Assembly Oct^r the 31st 1722

Upon reading the within Bill We are of Opinion that the taking away the Limitation of Time for planting, with the repealing of the two Paragraphs in the Act for preventing the making of trashy Tobacco and in that other Act explanatory thereof, wherein certain fines are imposed upon the makers of Trashy Tobacco and in Lieu thereof imposing a severe fine with other Discouragements upon such persons as shall be Assiduous in discovering all unqualified Tobacco will render the good Intentions of the makers of the former Acts ineffectual, and wholly defeat the Legislature in their provident Endeavours for the Improvement of the Staple of

U. H. J. Tobacco so necessary to the Common Weal of this Province
for which Reasons the Bill will not pass

Signed p order Sam^t Skippon Cl Up Ho.

And the Bill so endorsed is sent to the Lower House by Col
Young who returns and says he delivered it.

p. 37 A Bill from the Lower house by M^r Crabb and M^r Wallace
for the Relief of such Persons as have suffer'd by the miscon-
ception of the Laws heretofore made to regulate the making
of Tobacco Endorsed (Viz.)

By the Lower house of Assembly Oct^r the 31st 1722

Read the first and second Times by Especial order and will
pass

Signed p order M: Jenifer Cl Lo. Ho.

A Bill from the Lower house by M^r Geo: Dent to enable
Tho^s Dent of Charles County to sell Part of a Tract of Land
in Prince George's County called Locust Thickett entailed on
the said Dents wife & her Heirs &c & for entailing other Lands
in Charles County in Lieu thereof thus Endorsed Viz.

By the Lower House of Assembly Oct^r the 27th 1722

On reading the Endorsment on the within Bill the Party
bringing the Bill is referr'd to make good his Allegations
before the Upper house & to amend the Bill accordingly

Signed p Ord^r M: Jenifer Cl Lo. ho.

A Message from the Lower House by M^r Humphreys and
M^r Elliott viz.

By the Lower House of Assembly Oct^r the 31st 1722
May it please your Honours.

We are very sensible of the Privileges of your House and
the Power invested in your Honours in raising and applying
the publick Money, and never had the least Intention of invad-
ing or infringing either or to make any positive Agreement
with Major Sewall or any person whatsoever on behalf of the
Publick exclusive of your Honours. But as the Papers lay
before our House We thought it would contribute to the Dis-
patch of Business to come to Terms with Major Sewall as
soon as possible, and to inform your Honours of our Proceed-
ings for your Concurrence or Alteration which we did with
all the Speed that could be and while Maj^r Sewall was in Town.

And as to the Payment of Thirty Thousand Pounds of U. H. J. Tobacco for Indian Neck it appeared to our House that Major Sewall could have had the same Price from other People, was the Land clear of its publick Incumbrance. And we conceive it inconsistent with the Rules of Justice to oblige a man to take less for Land that is taken from him for the publick Good than he might sell it for to his neighbour; and therefore conceive if Major Sewall has a Right to the Land (w^{ch} we think has been granted) that he ought to have the value of it; if he p. 38 has no Right he ought to have nothing

Signed p order M Jenifer Cl Lo: Ho.

A Bill from the Lower House by Cap^t Harrison and Three others to prohibit the clandestine running of Tobacco into any of the neighbouring Colonies. Also

Another Bill from the Lower House by Col Watts and M^r Hudson directing how Fines shall be adjudged against such as neglect to appear at Musters both of them thus endorsed (Viz.) .

By the Lower House of Assembly Oct^r the 31st 1722

Read the first and second Times by especial order and will pass

Signed p ord^r M Jenifer Cl Lo Ho.

A Messags from the Lower house by M^r Sherwood & M^r Dunn, viz.

By the Lower House of Assembly Oct^r the 31st 1722

May it please your Honours.

We have consider'd M^r Piper's Petition and agree that the Proposals will be of Service to the publick and therefore are willing to give him all reasonable Encouragement from Time to Time, so far as will be consistent with the Justice of this House, and that he have the Liberty of printing the Acts of this Province that shall be made for the future for the use of the publick, with which we desire your Honours' Concurrence

Signed p Ord^r M: Jenifer Cl Lo Ho.

All which Bills and Messages are ordered to lye on the Table.

Adjourn'd till to morrow Morning nine of the Clock

U. H. J.

Thursday November the 1st

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Col William Holland	Col Rich Tilghman
		Col Sam ^l Young	Col M Tilgh Ward
		Col Tho ^s Addison	James Bowles Esq ^r
		Philemon Lloyd Esq ^r	

Members of the Upper house

p. 39 The Journal of the Committee of Accounts sent to the Lower House by Col Addison who returns and says he deliver'd it, the said Journal being assented to by this House and thus subscrib'd Viz.

November the 1st 1722

Read and assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl Up: Ho.

And then the House went upon the Consideration of the Bill for the Relief of such Persons as have suffer'd by the Misconception of the Laws heretofore made to regulate the making of Tobacco & after some Time spent therein,

Ordered that the following Endorsment be made upon the Bill

By the Upper House of Assembly

Nov^r the 1st 1722

Had this Bill been to relieve some particular Person or Persons that may have been opprest by a misconstruction of the Laws for regulating the making of Tobacco We should readily have concurr'd with you in concerting proper measures to redress them; but it being general to stay all Executions that have been awarded against any Person or Persons who shall conceive him or themselves Agriev'd by such Execution until heard and determined by the County Court, we are of opinion that it will not only countenance loud Clamors where there is no just Cause of Complaint, but likewise give a Handle for Applications of the same nature to future Assemblies and thereby discourage all Persons from putting those Laws in Execution which if rightly understood and duly Executed, will in all Likelihood be of great Service to the Trade of this Province, and therefore cann't consent to pass this Bill.

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill with the Endorsment is sent to the Lower ^{U. H. J.} House by Col Tilghman who returns and says he delivered it.

A Message from the Lower House by M^r Hill and three others (viz.)

By the Lower house of Assembly

Nov^r 1st 1722

May it please your Honours.

This House proposes as a method for saving the Charge of a particular Committee for laying the Publick Levy that it be done during the sitting of this Sessions, and for that purpose have appointed M^r Joseph Hill, John Beale Esq^r Col John Ward M^r Thomas Gant, and Cap^t Joseph Harrison of our House as a Committee to be joyn'd with such members of your House as shall be by your Honours appointed to proceed immediately on that Affair and desire your Honours Concurrency therewith

Signed p order M: Jenifer Cl Lo. Ho.

Which Message being read the following Answer is made ^{p. 40} thereto (Viz.)

By the Upper House of Assembly Nov^r the 1st 1722

Gentlemen. In answer to your message this day by M^r Joseph Hill and three others this House have appointed Esq^r Lloyd to joyn with the Committee appointed by your House for Laying the Publick Levy, who is ready to proceed immediately on that Affair.

Signed p order Sam^t Skippon Cl Up Ho.

And is sent to the Lower House by Esq^r Lloyd who returns and says he delivered it.

Then his Honour having Acquainted the House that the Indian Trader formerly sent for by him was in Town, Ordered that the following Message be prepared (Viz.)

By the Upper House of Assembly Nov^r the 1st 1722

Gentlemen. His Honour the Governour in order to confer with the Shawan Indians, has sent for some of the Indian Traders, who are now in Town and ready to receive such Message as may be thought proper we therefore desire your further answer to our Message of the 22^d of October last

Signed p ord^r Sam^l Skippon Cl Up Ho.

U. H. J. An Engross'd Bill from the Lower House by M^r Crabb and M^r Young Supplementary to the Act for repairing the Damages already Sustained in the Records of the Land, Secretarys, Commissarys and County Court Offices and for the security of the same Records for the future, thus endors'd (Viz.)

Eodem Die

Read with the Amendments and past for engrossing

M: J:

Which Bill being read is Assented to by this House and thus subscribed.

Novem^r the 1st 1722

Read and Assented to by the Upper House of Assembly and

Signed p Ord^r Sam^l Skippon Cl Up Ho.

The Petition of John Navarre recommended from the Governour and Council to this House, thus Endorsed (Viz)

By the Governour and Council Nov^r the 1st 1722

This Petition being read is recommended to the Consideration of the Upper House

Signed p order Sam^l Skippon Cl Concil

And the Petition being read is ordered to be thus endorsed (viz.)

By the Upper House of Assembly

Nov^r the 1st 1722

p. 41 The within Petitioner having in his Petition confessed that he entertain'd the Queen of the Indians, and her Attendants without orders, Yet it appearing that he has been at great Charge in Entertaining them He is recommended to your House for Relief, that such a Sum be Allowed him that he may not be a Loser thereby; for that if he had not entertain'd them, some others must (upon their Application) have been appointed by the Government to Entertain them

Signed p Order Sam^l Skippon Cl Up Ho.

The Petition of Anne Hutton praying that her Account for entertaining the Indians may be allowed her, was read and ordered to be thus Endors'd Viz.

By the Upper House of Assembly Nov^r the 1st 1722

The within Petitioner having entertained the Indians by Order, is particularly recommended to your House for Relief,

that such an Allowance may be made her that she may not be U. H. J.
a Loser.

Signed p Ord^r Sam^l Skippon Cl Up Ho.

Which Petitions so endorsed (with the original Bill assented to by this House) are Sent to the Lower House by Col Holland who returns and says he delivered them.

Then the message from the Lower House relating to M^r Piper was read and the following answer made thereto

By the Upper House of Assembly Oct^r the 1st 1722

Gentlemen. We agree with your House in your Proposals relating to M^r Piper in your Message yesterday by M^r Sherwood and M^r Dun

Signed p order Sam^l Skippon Cl Up Ho.

Which Answer is sent to the Lower House by Col Young who returns and says he delivered it

Then the Bill (directing how Fines shall be adjudg'd against such as neglect to appear at Musters) was read and ordered to be thus Endors'd Viz.

By the Upper House of Assembly Nov^r the 1st 1722

Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Col Addison who returns and says he delivered it.

Then the house went upon the Bill for the Ease of the Inhabitants in examining Evidences relating to the Bounds of Land, and in the manner of obtaining Injunctions; and upon reading the Bill, Order'd that the Bill be thus Endors'd Viz.

By the Upper House of Assembly Nov^r the 1st 1722 p. 42

In Regard that our House at this Time consists of very few members the Consideration of this Bill is referr'd to next Sessions of Assembly

Signed p ord^r Sam^l Skippon Cl Up Ho.

And the Bill so endorsed is sent to the Lower House by Col Tilghman who returns and says he delivered it

And then the House took into Consideration the Bill to prohibit the Clandestine Running of Tobacco into any of the

U. H. J. neighbouring Colonies and Ordered the following Endorsment thereon (Viz.)

By the Upper House of Assembly Nov^r the 1st 1722

This Bill being read will pass with the following Amendments.

1st That Liberty be given to any Person to seize the Tobacco.

2^d That a Penalty be laid on all Persons who shall resist or convey away the Goods so seized

Signed p Order Sam^t Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Col Ward who returns and says he delivered it

A Message from the Lower House by Cap^t Hooper and M^r Hawkins (viz)

By the Lower House of Assembly Nov^r the 1st 1722

May it please your Honours.

In answer to your Message of the 25th of October by Col Holland this House hoping that the Continuance of this Sessions will not be long, are willing to refer the further Consideration of the Affairs of the Indians Lands till next Sessions; but lest any Body should be surprized by purchasing or Leasing any Lands from the Indians in that Interval propose the ordinance herewith sent, if your Honours concur therewith as an Expedient therefore

Signed p ord^r M: Jenifer Cl Lo Ho.

The Ordinance above mention'd entituled an Ordinance touching the Indians and the Lands in their Possession was read and is as follows Viz.

It is ordained by his Lordship's Governour and the Upper and Lower Houses of Assembly and the Authority of the same, that the several Petitions and other matters relating to the Indian Lands that lye on the Eastern Shore be and are hereby referred to the next Sessions of Assembly, and that whoever shall presume in the mean Time to make any purchase or Lease from the Indians of any of the said Lands shall have no Benefit or Advantage thereof, but that all such Purchases and Leases shall be null and Void, and further that this ordinance or any thing therein contain'd is not Intended nor ought to be Construed or Understood to Countenance or

Confirm any Sales or Leases made heretofore by the Indians U. H. J.
of the said Lands.

A Message from the Lower House by M^r James Lloyd and p. 43
M^r Humphries viz.

By the Lower House of Assembly Nov^r the 1st 1722
May it please your Hon^{rs}

In answer to your Message of the 22^d of October, and
another of this Day as to the Shuano Indians, This House
desires that his Honour the Governour and the Council will be
pleased to allow them such Gratuities for the taking up any
such Runaway negroes and Slaves as they shall think meet,
and that your Honours will be pleased to recommend the same
to his Honour the Governour

Signed p Order M: Jenifer Cl Lo. Ho.

A Bill from the Lower House by M^r Waughop and M^r
Sherwood for the Relief of William Griffin and William Jarvis
Languishing Prisoners in Calvert County, and Robert Morris
a Languishing Prisoner in Anne Arundel County thus En-
dors'd, (viz)

By the Lower House of Assembly Nov^r the 1st 1722
Read the first and Second Times by especial order and will
pass

Signed p order M Jenifer Cl Lo Ho.

Adjourned till to morrow Morning at nine of the Clock.

Friday Nov^r the 2^d 1722

Met according to Adjournment

Present

His Honour the Governour

The honourable	{ Col W ^m Holland	Col Rich Tilghman
	{ Col Sam ^l Young	Col M. Tilghman
	{ Col Tho ^s Addison	Ward
	{ Philemon Lloyd Esq ^r	James Bowles Esq ^r

Members of the Upper House

A Bill from the Lower House by M^r Tyler and M^r Gant for

U.H.J. Limitation of Action of Trespass and Ejectment thus Endorsed Viz.

By the Lower House of Assembly Nov^r the 2nd 1722

Read the first and second Times by especial Order and will pass

Signed p order M: Jenifer Cl. Lo. Ho.

A Bill from the Lower House by M^r Jordan and M^r Wallace for the Relief of some Persons that have Suffer'd by the misconception of the Laws heretofore made to regulate the making of Tobacco endorsed Viz.

By the Lower House of Assembly Nov^r the 2nd 1722

Read the first and second Times by especial Ord^r and will pass.

Signed p order M: Jenifer Cl Lo Ho.

p. 44 A Bill Supplementary to the Act for preventing the making trashy Tobacco and for bettering the Staple of this Province and to the Explanatory Act thereof prepar'd & brought in by a Member of this House, was read and upon Reading This Endorsment Ordered thereon (Viz)

By the Upper House of Assembly Nov^r the 2^d 1722

Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Col Young, Col Ward and Esq^r Bowles Who return & Say they delivered it

Two Engrossed Bills from the Lower House by M^r King and Cap^t Hooper (viz)

An Engrossed Bill directing how fines shall be adjudged against such as shall neglect to appear at Musters. Endorsed

Eodem Die

Past for Engrossing

M: J:

An Engrost Bill to prohibit the Clandestine Running of Tobacco into any of the neighbouring Colonies endorsed,

Eodem Die

Read with the Amendments and passed for Engrossing

M: J:

Which Bills being read are Assented to by this House and U. H. J. are severally thus subscribed viz.

Novem^r the 2^d 1722

Read and Assented to by the Upper House of Assembly and
Signed p order Sam^l Skippon Cl Up Ho.

And the Original Bills are sent to the Lower House by James Bowles Esq^r (with a Message Vid 45)

A Message from the Lower house by M^r Tyler and M^r Crabb viz.

By the Lower House of Assembly Nov^r the 2^d 1722

May it please your Hon^{rs}

This House have taken the Report of the Conferees concerning the Free schools into Consideration and concur therewith; but as the Establishment of them upon a good Foundation is of the last Consequence to the Country, We are apprehensive there will not be Time enough to consider all Circumstances that relate to them in the manner they deserve without lengthning the Session beyond what may be at this Time Convenient to the Country or the members of both Houses; We propose therefore the referring that Affair till next Sessions

Signed p order M: Jenifer. Cl Lo ho.

A Bill from the Lower house by M^r King and M^r Whittington for the Relief of Jn^o McClester of Somerset County Gentleman Endorsed Viz.

By the Lower House of Assembly Nov^r the 2nd 1722

Read the first and second Times by especial Order and will pass

Signed p Ord^r M: Jenifer Cl Lo Ho.

Then the House took into Consideration the Message and Ordinance of Assembly therein mentioned, yesterday by Cap^t Hooper and M^r Hawkins and the following message was order'd to be prepared thereon Viz. p. 45

By the Upper House of Assembly Nov^r the 2nd 1722

Gentlemen. We agree with your House that the Ordinance sent with your Message yesterday by Cap^t Hooper and M^r Hawkins be an Expedient till next Sessions to prevent any

U H. J. Persons from purchasing or leasing any Lands from the Indians

Signed p Ord^r Sam^l Skippon Cl Up. ho

Which Message is sent to the Lower House by Esq^r Bowles who returns and says he delivered it.

A Message from the Lower house by Col Mackall and M^r Young.

By the Lower House of Assembly Nov^r the 2^d 1722
May it please your Hon^{rs}

We have consider'd the Petition herewith sent and are willing that the same should be referr'd 'till next Sessions, and desire that by an ordinance of Assembly the Sherriff of Calvert County be ordered to give notice to the several Freeholders of that County, as in Cases of Elections, that they meet in the Now Court House in the said County on Thursday in the next County Court Week there by Majority of Voices to declare whether the Court House shall be removed or not; and if to be removed, to make Choice of a Place whereto to remove it, and the said Sherriffe take the Votes and make his return thereof at the next Sessions of Assembly, with which if your Honours concur, the Orders may be made out accordingly

Signed p ord^r M: Jenifer Cl Lo Ho.

Order'd that the Message (from the Lower House this Day by M^r Tyler and M^r Crabb) be read and the Message was read and upon reading the following Answer was ordered to be prepared

By the Upper House of Assembly Nov^r the 2^d 1722

Gentlemen. In answer to your Message by M^r Tyler and M^r Crabb This House is of opinion that a short Bill be brought in this Sessions to distribute the money now in the Hands of the Treasurers of this Province into so many equal Parts as by the Conferees is determined (with whose Report this House Concurs) and as is Agreed to by your House; And we are the rather of this opinion, because The Treasurer of the Western Shore is apprehensive of being robbed, now that it is so publickly known that he has by him so Considerable a Sum; besides that to refer a Thing of that Consequence to next Sessions, would prevent the Immediate settling of Schools, though extremely wanted, which yet might be in a good forwardness

by next Sessions, and render a great Sum of mony useless U. H. J. and dead to the Province.

Signed p order Sam^l Skippon Cl Up Ho.

And the said Answer is sent to the Lower House by Col Holland who returns and says he delivered it

Then the Bill (for Relief of some Persons that have suffered by the misconception of the Laws heretofore made to regulate the making of Tobacco) was read and the following Endorsment made thereon Viz.

By the Upper House of Assembly Nov^r the 2nd 1722

This Bill will pass if instead of the words (and by other undue Prosecutions) be inserted these Words, (as it is represented to this Present General Assembly)

Sign'd p order Sam^l Skippon Cl Up Ho.

And the Bill so endorsed is sent to the Lower House by Col Young who returns and says he delivered it.

The Supplementary Tobacco Bill brought up from the Lower House by M^r Tyler and five others thus Endors'd (viz)

By the Lower House of Assembly

Nov^r the 2^d 1722

This Bill being fram'd contrary to several former Resolves of our House as well in Respect to the oaths as other Inconveniences therein cannot Consent the same should pass

Signed p Ord^r Sam^l Skippon Cl Up Ho.¹

Adjourned till to Morrow morning nine of the Clock

Saturday Nov^r the 3^d 1722

Met according to Adjournment

Present

His Honour the Governour

The Honble	{	Col W ^m Holland		Col Rich ^d Tilghman
		Col Sam ^l Young		Col M. Tilgh. Ward
		Col Tho ^s Addison		James Bowles Esq ^r
		Philemon Lloyd Esq ^r		

Members of the Upper House.

Col Matth Tilgh Ward, appointed to Conferr with the Committee of the Lower House concerning the proper Ap- ^{p. 47}

¹ Error for "M. Jenifer Cl. Lo. Ho."

U. H. J. plication of the mony arising from the additional Duty on Irish Servants being Papists and Negroes for the Uses & Intent for which the same was raised; made Report of the Conference to the Board, which Report is as follows (Viz)

By a Conference held at the House of M^{rs} Kennedy Nov^r the 1st 1722 to Consult proper measures for disposing of the money rais'd for erecting Schools in the Several Counties of this Province

The Conferrees are,

from the Upper House,

The Honble Col Matthew Tilghman Ward,

from the Lower House

The Honble	{	Col John Mackall		M ^r James Lloyd
		Thomas Bordley Esq ^r		Col John Ward
		M ^r Rob ^t Tyler		M ^r Robert King

Upon mature Consideration, the Conferees report it as their opinion

1st That one School be erected in some convenient Place in each County

2^d That there be seven Persons appointed by Act of Assembly for every County as Visitors of the School of that County, whereof the Major part to be enabled to Act; and in Case of Death or Absence to perpetuate their Succession in the same Manner as is provided for the free School of Annapolis and that they be a Body Politick

3^d That such Visitors purchase some Convenient Parcel of Land for the Use of such School to contain one Hundred Acres or thereabouts, and as near as they can, that one Half thereof may be fit for a small Pasture & Corn-field and the Rest for Wood Land, and for keeping the Fencing in good Repair and finding fire-Wood; but that none of that Moiety reserved for Woodland be cleared by any Master, otherwise than for the use aforesaid unless by consent of the Visitors, nor any Master be suffer'd to make Tob^o thereon

4th That in Case such Land hath not a Convenient House for a School Master to live and teach School in that the Visitors provide such House; but that especial Care be taken that such Settlement be made for them at such Place in each County as may be most Convenient for the Boarding of Children

5th That the Visitors take proper Methods to encourage good School masters capable of teaching a good Grammar School and also the Mathematicks if such Master can con-

veniently be got; and that they allow such Master twenty U.H.J. Pounds p annum for the Present, and take such other measures or make such other Agreement from Time to Time for the future as may give due Encouragement to a Master and be useful for the perpetuating such Schools. p. 48

6. That the Visitors meet at such Schools at least four Times in the year to inspect into and consider the Affairs thereof

7. That such Visitors draw on the publick Treasurers for the Sums expended in which Treasurer's Hands the money shall lye to answer their Draughts according to their Proportion and that the said Visitors be impowered to dispose of the said Money from Time to Time as shall be most for the Advancement of such Schools

8. That the said Visitors keep fair Accounts of their Disbursements and all other Proceedings and be Subject to the Examination of the General Assembly for any Miscarriages and lye under five hundred pounds of Tobacco fine for Delay or Refusal to execute such Trust, and likewise to take the Oaths and the like Oath for the Executing their office, as is taken by the Visitors of Annapolis School.

9. That the money already rais'd be divided into twelve equal Parts and one Part thereof Assigned to each County, to be disposed by the Visitors as aforesaid.

10. That such Visitors be enabled to make such Rules for the governing and regulating the said Schools, in such manner as may best Answer the true use and End thereof both in respect to the Master and Scholars

Signed p order Ninian Mariartee Clk.

Which Report upon Reading is agreed to by the House

A Bill from the Lower House by M^r Dent and M^r Tolley to Enable Tho^s Dent and Anne his Wife to sell Lands &c^a Endors'd (Viz) p. 49

By the Lower House of Assembly Nov^r the 3^d 1722

This Bill as amended will pass

Signed p order M: Jenifer Cl Lo. Ho.

Which Bill being read is thus Endors'd

By the Upper House of Assembly Nov^r the 3^d 1722

Read and will pass

Signed p order Sam^l Skippon Cl Up Ho.

U H. J. Which Bill being so endorsed is sent to the Lower House by Col Ward who Returns and says he delivered it.

A message from the Lower House by M^r Young and M^r Oldham (Viz)

By the Lower House of Assembly Nov^r 3^d 1722

May it please your Hon^{rs}

This House having further Considered your message of the 22^d of October by Col Addison as to the tumultuous meetings of negroes are desirous that the same should be referr'd till next Sessions.

Signed p order M: Jenifer Cl Lo Ho.

A Message from the Lower House by M^r Dulany and three others

By the Lower House of Assembly Nov^r 3^d 1722

May It please your Hon^{rs}

This House having considered your message of the second Instant by Col Holland, is of opinion that the bringing in a Bill for the Distribution of the money in the Treasurer's Hands into so many Parts as it should be, is impracticable; without continuing the Session till the next week, because there will be a necessity in such a Bill of Appointing Persons to receive and apply the money, And as to any Danger the Treasurer of the Western Shore may Apprehend of being robb'd there are some Gentlemen will take some of the money and give undoubted Security to pay it, when it shall be demanded, which will be an Ease to the Treasurer in that Particular; But if he is unwilling to part with the money and uneasy to keep it, This House thinks there is no Difficulty in finding a Person that will undertake that Charge, and give the necessary Security.

Signed p ord^r M: Jenifer Cl: Lo: Ho.

A message by M^r Humphries and M^r Chaires from the Lower House (viz)

By the Lower House of Assembly Nov^r the 3rd 1722

May it please your Honours.

The publick Records being now to be repaired this House desires your Honours Concurrence with us in an order for the Treasurer of the Eastern Shore to send for two Dozen of the best bound Blank Books for Record Books of good Paper and the Binding to be as well fortified as may be for Duration

to be Broad Books, and not above three Inches thick within the U. H. J. Binding and Ruled for a Margin about two Inches Broad.

Signed p ord^r M: Jenifer Cl Lo ho.

Which Message being read the following Answer is prepared thereto viz.

By the Upper House of Assembly Nov^r the 3^d 1722

Gentlemen. This House Concurs with you in your Message this Day by M^r Humphries & M^r Chaires

Signed p ord^r Sam^l Skippon Cl Up ho.

Which answer was sent to the Lower House by M^r Bowles Who returns and says he delivered it

Then the House went upon the Message yesterday of Col Mackall and M^r Young relating to Calvert County Court House and ordered that the following Answer be prepared thereto (Viz)

By the Upper House of Assembly Nov^r 3^d 1722

Gentlemen. In answer to your message yesterday by Col Mackall and M^r Young, this House is of Opinion that the Justices of Calvert County do, next County Court appoint any Time they shall judge proper between this and next March Court for the Freeholders to meet at Williamson's Old field near Hunting Creek and give their Voices; And that the Sheriff of said County set up notes, at least Thirty Days before the Time of Meeting, at all publick Places that all Persons may have due notice thereof

Signed p ord^r Sam^l Skippon Cl. Up. ho.

And the answer is Sent to the Lower House by Col Holland who returns and says he delivered it

Three Engrossed Bills from the Lower House by M^r Crabb and M^r Hawkins viz.

An Engrossed Bill to enable Hugh Matthews to sell a Tract of Land lying in Queen Ann's County called Jones's fancy whereof Dennis Sullivan died seized

Endorsed thus Viz.

Octob^r the 24th 1722

Amended and past for Engrossing

M: J:

U. H. J. An Engrossed Bill for the relief of some Persons that have Suffer'd by the misconception of the Laws heretofore made to regulate the making of Tobacco thus Endorsed Viz.

~~Amended & passed for Engrossing~~

Eodem Die

Amended & passed for Engrossing

M: J:

An Engrossed Bill for Limitation of Actions of Trespass and Ejectment thus Endorsed Viz.

Eodem Die

Read again and past for Engrossing

M: J:

Which Bills being read are severally assented to by this House and thus Subscribed Viz.

Nov^r the 3^d 1722

Read and Assented to by the Upper House of Assembly and
Signed p order Sam^l Skippon Cl Up Ho.

Then the House went upon the Bill for the Relief of John M^cClester of Somerset County Gentleman w^{ch} being read was ordered to be thus endorsed Viz.

p. 51 By the Upper House of Assembly Nov^r the 3^d 1722

This Bill being read will pass with a Proviso added giving the other Security or his heirs the same Advantage with M^r M^cClester, he or they bearing an Equal Part of the Damages sustained as securities for Bozman

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower House by Col Addison who returns and says he delivered it

Then the Bill for Relief of Prisoners was read and the following Endorsment made thereon (Viz)

By the Upper House of Assembly Nov^r the 3^d 1722

This Bill being read will pass a Proviso being added obliging the Prisoners to pay their Imprisonment Fees by service or otherwise and that the Commissioners appointed by this Bill have Power to enquire into the Truth of the within Deposition and give Relief therein

Signed p order. Sam^l Skippon Cl Up Ho.

Which Bill so endorsed is sent to the Lower house by Col U. H. J. Young who returns and says he delivered it.

An Engrossed Bill from the Lower House by M^r King and Cap^t Hawkins for the Relief of John McClester of Somerset County Gentleman Which Bill being read is Assented to by this House and thus Subscribed Viz.

Novem^r the 3^d 1722

Read and assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl Up Ho.

A Message from the Lower House by M^r Tyler and M^r Crabb (viz.)

By the Lower House of Assembly

Nov^r the 3^d 1722

May it please your Hon^{rs}

Several members of the Western Shore complaining that the Gates of this City are very negligently and badly kept by Rich^d Young the present Gate-Keeper, and that the Gate-Houses and Fences are very much out of Repair, notwithstanding the Publick have been always ready and willing to pay him the Charges laid before them for the repairing thereof; Therefore this House desires your Honours' Concurrence with us in removing the said Young, and ordering the Repairs of the Gates and Fences, and that Thomas Jobson may be appointed in his stead, who is willing after the necessary Repairs are made to give Security for the well keeping the Gates and Fences and securing the Horses belonging to the Gentlemen of the Town and Country.

Signed p ord^r M: Jenifer Cl Lo Ho.

A Message from the Lower House by M^r Sherwood and M^r p. 52 Tolley (Viz)

By the Lower House of Assembly Nov^r the 3^d 1722

May it please Your Hon^{rs}

This House concurs with your Honours opinion in your Message of this Day by Col Holland and shall take Care that the Orders be made out accordingly

Signed p Order M: Jenifer Cl^o Lo. ho.

U. H. J. Then the Message relating to the Gate-Keeper was read and the following answer prepared thereto Viz.

By the Upper House of Assembly Nov. the 3^d 1722

Gentlemen. Upon reading your Message relating to Richard Young Gate-Keeper we recommend to your Consideration his Lameness and weakness this Sessions and we desire that you would remit his Offence this Time, and make a further Tryal of him he conforming himself to the Rules of Your House and giving security for the Due execution of his Office, in Attending the Gate and using the Utmost Endeavours to secure the Horses belonging to the Burghesses and others.

Signed p order Sam^l Skippon Cl Up ho.

An Engrossed Bill from the Lower House by M^r King and M^r Oldham to enable Thomas Dent of Charles County and Anne his Wife to sell part of a Tract of Land lying in Prince George's County call'd Locust Thicket, entailed on the said Dent's Wife and her Heirs &c^a & for entailing other Lands in Charles County in Lieu thereof, thus Endorsed Viz

Eodem Die

Read again and past for Engrossing .

M: J:

Which Bill being read is assented to by this House and Subscribed thus (Viz)

Novem^r 3^d 1722

Read and Assented to by the Upper House of Assembly and

Signed p Order Sam^l Skippon Cl Up Ho.

The Message relating to Richard Young, with the five Original Bills is sent to the Lower House by Esq^r Bowles who returns and says he deliver'd them.

Then the House went upon the Consideration of the Resolves made by the Lower House and communicated to this by The Message of October the 31st by Col Mackal and five others and after reading came to the following Resolution Viz.

Resolved to defer the Consideration of the Resolves Sent up from the Lower House by Col Mackall and five others till next Sessions, that M^r Attorney General be consulted thereon and give his opinion thereon to the House.

And then Ordered that the following Message be prepared U. H. J.
Viz.

By the Upper House of Assembly Nov^r the 3^d 1722 p. 53

Gentlemen. The Resolves of your House sent by Col Mackall and five others Oct^r the 31st being of the greatest Consequence to the Lord Proprietary and this Province, and this Sessions of Assembly being near a Conclusion, We have not Time for so mature a Consideration as the nature of them require and therefore have referr'd the further Consideration of them until the next Sessions of Assembly.

Signed p order Sam^l Skippon Cl Up Ho.

Which Message is sent to the Lower House by Col Holland who returns and says he delivered it.

A Message from the Lower House by M^r James Lloyd & M^r Humphries viz.

By the Lower house of Assembly Nov^r the 3^d 1722
May it please your Hon^{rs}

This House merely out of Regard to your Honours' Recommendation of Richard Youngs Case agrees to continue him longer, upon his giving good security for the due Execution of his Office

Signed p order M: Jenifer Cl Lo Ho.

His Honour the Governour having acquainted this House that his Lordship the Lord Proprietary had appointed M^r James Lloyd a Member of the Lower House and Benjamin Tasker Esq^r to be members of his Lordships honourable Council,

Ordered that notice be given them that they may attend in order to their Qualification, and the following Message was prepared

By the Upper house of Assembly Nov^r the 3^d 1722

Gentlemen. His Honour the Governour having acquainted us that his Lordship the Lord Proprietary had Appointed M^r James Lloyd a member of your House to be a Member of his Lordships Honourable Council, we therefore desire that he may Attend this House in order to his Qualification

Signed p order Sam^l Skippon Cl Up Ho.

Sent to the Speaker by John Young

U. H. J. An Engrossed Bill from the Lower house by M^r Dent and M^r Hawkins for the Relief of Languishing Prisoners is read and Assented to by this House and Subscribed Viz.

Nov^r the 3d 1722

Read and Assented to by the Upp^r House and

Signed p Order Sam^l Skippon Cl Up. Ho.

p. 54 And the original Bill is sent to the Lower House by Col Young who returns and says he delivered it

Col Mackall and M^r Tyler from the Lower house acquaint his Honour that their House have nothing of moment lying before them Whereupon,

Col Addison is sent to the Lower House to acquaint them that his Hon^r requires the Speaker and the whole House to attend him immediately in the Council Chamber, who returns and says he delivered his Message

Whereupon M^r Speaker and the whole House attend accordingly and saw the following Acts Sealed with his Lordships Greater Seale of this Province and Assented to by his Honour the Governour on the Behalf of the R^t Honble the Lord Proprietary of this Province (Viz)

1. A further supplementary Act to the Act for killing Wolves Crows and Squirrels.

2. An Act for the Relief of Francis Gandevit and Jn^o Read both of the City of Philadelphia

3. An Act for uniting Part of S^t Pauls Parish in Baltimore County to Westminster Parish in Ann Arundel County

4. An Act to confirm Lands devised for the Use of the Church

5. An Act to regulate Prosecutions in Criminal Cases

6. An Act for the Amendment of the Law and the Speedier Advancement of Justice in Relation to the Assessing of Damages.

7. An Act for the Continuing all Causes in the High Court of Appeals from the Court that was appointed to be held in July seventeen hundred and twenty Two for the Time therein mentioned.

8. An Act for the Preventing the destroying of Boundaries or Bounded Trees and the Bounding of Trees or setting up Boundaries without lawful Authority

9. An Act to enable James Lloyd and Anne his wife and Deborah Pemberton surviving Executors of Robert Grundy deceased, to convey the Lands & Water-Mill therein mentioned

according to the Sales thereof made by the Deceased in his U. H. J. Life time

10. A Further Supplementary Act to the Act for the better Administration of Justice in Testamentary Affairs, granting Administrations Recovery of Legacies securing filial Portions and distribution of Intestates Estates

11. An Act for the Continuance of Process in Baltemore County Court

12. An Act for regulating Amerciaments in the Provincial p. 55 and County Courts, and directing the Application of them, and for repealing Part of an Act Entituled an Act for the better Administration of Justice in the high Court of Appeals, Chancery, Provincial and County Courts of this Province, for the more speedy Recovery of Debts, easy Obtaining of Executions against Persons absenting from the Counties where the Judgments were Recovered against them; for preventing Commissioners Sherriffs Subsheriffs and Deputy Clerks to plead as Attornys in the respective Courts to which they belong; and for Amerciaments in the Provincial and County Courts

13. An Act for the Better Relief of Poor Debtors.

14. A Supplementary Act to the Act for repairing the Damages already sustained in the Records of the Land, Secretary's Commissarys and County Court Offices and for Security of the same Records for the future

15. An Act directing how Fines shall be adjudged against such as neglect to appear at Musters.

16. An Act to prohibit the Clandestine Running of Tobacco into any of the neighbouring Colonies.

17. An Act to Enable Hugh Matthews to sell a tract of Land lying in Queen Ann's County Called Jones's Fancy whereof Dennis Sullivan died Seized

18. An Act for the Relief of some Persons that have suffered by the misconception of the Laws heretofore made to regulate the making of Tobacco

19. An Act for Limitation of Actions of Trespass and Ejectm^t

20. An Act for the relief of John M^cClester of Somerset County Gentleman

21. An Act to enable Thomas Dent of Charles County and Anne his wife to sell part of a Tract of Land lying in Prince George's County Called Locust Thicket entailed on the said Dent's Wife and her Heirs &c^a and for entailing other Lands in Charles County in Lieu thereof

- U. H. J. 22. An Act for the Relief of W^m Griffin and W^m Jarvis languishing Prisoners in Calvert County and Rob^t Morris a Languishing Prisoner in Ann Arundel County

After which His Honour the Governour put a Period to the Session in the manner following

Gentlemen.

This Session being concluded it remains only that I prorogue you to the twelfth Day of February next, and you are required to take notice that you are accordingly so prorogued

Cha: Calvert

- p. 56 Thus Endeth the 9th Session of Assembly held for this Province since his Lordship the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been restor'd to his Government of this Province this 3^d Day of November in the Seventh year of his said Lordship's Dominion Annoq Dom 1722.

Teste Samuel Skippon Cl Up ho.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, October 9–November 3, 1722.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

At a Sessions of Assembly begun and held at the City of Annapolis in Ann Arrundell County for the Province of Maryland the ninth Day of October Anno Domini One Thousand Seven hundred and Twenty two. By virtue of his Lordships Writts of Election bearing Date the Twentieth Day of Aprill Last past to the Severall Sheriffs of this Province, and the Mayor Recorder and Alderman of the City of Annapolis Directed to Choose the Severall Representatives for the said Counties and City aforesaid According to Act of Assembly in such Cases Provided to Serve in a Generall Assembly to be held for the said Province at the City aforesaid the Third Tuesday in July last past which by Virtue of his Lordships Writt of Prorogation was Prorogued till the ninth day of October Instant Assembled at the Stadt House in the s^d City the following Representatives Viz:

L. H. J.
Calvert
Papers
(774)¹
p. 1

For S^t Maries County
M^r Thomas Waughop
Coll: Will^m Watts
Cap^t Justinian Jordan
M^r John Read

For Kent County
M^r Samuel Wallis
M^r Robert Dunn
M^r Philip Kennard
M^r W^m Blackistone

For Ann Arrundell Co^{ty}
M^r Joseph Hill
John Beale Esq^r
M^r Rich^d Warfield

For Talbot County
The Hon^{ble} Rob^t Ungle Esq^r
M^r Daniel Sherwood
M^r James Lloyd
M^r John Oldham

For the City of Annapolis
Daniel Dulany Esq^r
Thomas Humphreys Esq^r

For Calvert County
Coll. John Mackall
M^r Walter Smith
M^r William Young

For Charles County
Capt. Joseph Harrison
M^r George Dent
M^r John Courts
M^r Henry Holland Hawkins

For Cecill County
Coll John Ward
Maj^r Francis Mauldin
M^r W^m Freeman
M^r Josiah Sutton

p. 2

¹ MS. originally unpagged. Marginal pagination is inserted for convenience of reference.

L. H. J. For Baltimore County

M^r Thomas Tolley
M^r W^m Hamilton
M^r John Taylor

For Somerset County

M^r Thomas Purnell
M^r Nath^l Hopkins
M^r Robert King

For Dorchester Co^{ty}

M^r John Hudson Secundus
Capt. Henry Hooper
M^r Matthew Traverse
M^r Edward Pritchett

For Prince Geo: County

M^r Robert Tyler
James Stoddert Esq^r
M^r Ralph Crabb
M^r Thomas Gant

For Queen Anns Co^{ty}

M^r Edward Wright
M^r Solomon Wright
M^r John Chairs
M^r William Elliot

Afterwards by Virtue of his Lordships Writt of Prorogation bearing Date the same Ninth Day of October Instant, the Generall Assembly of this Province was further Pro-rogued till the Tenth Day of October Instant.

Wednesday Morning October the 10th 1722

According to his Lordships Writ of Prorogation the Severall Members met as on Yesterday.

Notice being sent to the Upper House to Acquaint his Honor the Governour that a Sufficient Number of Members are met to make An House, Coll W^m Holland & Coll Sam^l Young from the Upper House wth M^r Samuel Skippon Clerk of the said House, enter the House by Virtue of a Dedimus to them Directed and Administer to the Severall Members
p. 3 aforemencōned the Severall Oaths Appointed by Act of Assembly, who Severally Subscribed the s^d Oaths And Also the Test and then withdrew.

Coll Tilghman from the upper House Acquaints the Severall Members aforesaid that his Honor the Governour comānds them Imediately to attend him in the upper House

Thereupon they go to the upper House where his Honor the Governour was pleased to Comānd them to return to their own House to make choice of a Speaker.

They return and by Majority of Voices elect the Hon^{ble} Robert Ungle Esq^r for their Speaker and place him in the Chair.

Coll Mackall and M^r Tyler are sent to the upper House to Acquaint his Honour the Governour of the Choice of a Speaker.

They return and say they Delivered their Message

L. H. J.

James Bowles and John Rousby Esq^r from the upper House Inform the Members of this House that his Honour the Governour requires them to present their Speaker

Whereupon the Severall Members repair to the Upper House and there present their Speaker to his Honour the Governour.

His Honor Approves the Choice and Commands him to take that Place upon him.

M^r Speaker in the Name of the whole House desires his Honour the Governour on his L^{pps} behalf to confirm all the Ancient and Accustomed Priviledges belonging to the said House, which his Honour was pleased to grant for which M^r Speaker returned the Thanks of the whole House. After which his Honour the Governour was pleased to Deliver himself to the Members of the upper and Lower Houses in the following words Viz.

Gentlemen of the Upper and Lower houses of Assembly

p. 4

The happy Agreement between me and the Late Generall Assembly in the severall Sessions Gives me great hopes of the like good Harmony with the present now assembled; for as I have ever preferred the good of the Country to my owne private Intrest so I am fully Determined to Continue in the same Resolution.

Gentl

I have it in Comānd from the Proprietor to acquaint you that he has not Dissented to the Law for Lessening the Officers fees, beleiveing you your selves will (as the Multiplicity of business increases) think fit to put it upon The former Establishment.

As to the Late Tobacco Law I Cannot Say whether his L^{pp} has or has not Assented to it but Daily Expect orders from England relateing thereto and in the mean while what ever may be thought on for the Generall good and Satisfaccon of the People I shall heartily concurr in.

Our Militia in my Opinion Deserves your Consideration for altho wee are at perfect Peace with the Indians, and Our Neighbouring Collonies have haply Concluded their Treaties wth them, Yet a well Disciplined Militia is a Grace to a Country and Necessary upon Any Emergency. It was proposed to the Lower House in the late Assembly that every Cap^t should have the Power of Levying the fine on those under his Comānd who Absented themselves from the Musters which would be

- L. H. J. a Means to have the Militia in good Order; but as the Lower House would not Consent to it I could not think of making any Step without their Concurrence, for I shall ever think it a Duty Incumbent on me (in Matters that Concern the
p. 5 General Welfare of the People) to rely on both Houses, therefore I Recommend this to your Consideration.

The Practice of Runing Tobacco Over Patomack into Virginia (Thereby Depriving the Proprietor and the Countrey of their Just Dues) Deserves some Care to prevent the same for the future.

Gentlemen.

I have nothing more to lay before you but the Dispatch of the Publick Affairs, thereby putting the Country to the least expence; in which you will effectually convince those you represent That they have made a happy Choice.

Cha: Calvert

M^r Speaker and the rest of the Members returne to their Owne House where M^r Speaker resumes the Chair, and reports what his Hon^r the Governour had before said.

Then the House proceed to the Choice of a Clerke.

Whereupon Michael Jenifer is unanimously chosen as Clerke.

Ordered that John Beale Esq^r and M^r Tho^s Gant go to the upper House to present the said Michael for his honor the Governours approbation and to see him Qualified. They return and Say they see him Qualified, by takeing the severall Oaths appointed by Act of Assembly and Subscribing the Test.

Afterwards the said Michael in the House before the Hon^{ble} James Stoddert Esq^r one of the Justices of the Provincial Court and a Member of this House took the foll^o Oath of Clerke Viz:

You do Swear that as Clerk to the Lower House of Assembly you shall true Entries make of all such Matters and things as by the Hon^{ble} Speaker for the time being and that House shall be to you Directed, the Secrets of the s^d House you shall not Divulge to the prejudice of the said House or any Member thereof but shall in all things as Clerk to the s^d House well and truly Demean your Self According to the best of Yo^r Knowledge. So help you God

- p. 6 Thereupon the said Michael is Admitted as Clerk.
The House Adjourns till Two of the Clock in the Afternoon.

Post Meridiem.

L. H. J.

The House meets According to Adjournment.

Richard Young Gent is Appointed Sergeant attendant to this House and Moses Adney Door keeper who Severally took the Oaths appointed by Act of Assembly and Subscribed the Test before James Stoddert Esq^r

The Rules of the House read and Approved of and ordered to be set up and Entred as follows, viz.

By the Lower House of Assembly October the 10th 1722.

Rules and Orders of the Lower House of Assembly to be Observed by the Members and Others in the s^d House.

1. That no Burgess Deputy or Delegate Member of this House shall use any revileing Speeches or Name any Member by his proper name but by some other Signification viz: The Gentl That Spoke last or the Like.

2. That no member Speake above once at the reading of any Bill or Debate without Licence of the Speaker and if Two persons or more rise up together the Speaker shall Appoint who shall Speak first and no Member to Interrupt another or speake till the other have ended

3. That none Shall Deliver his Opinion or Speak Sitting to Any Bill or Debate but shall stand up and reverently Direct his Speech to the Speaker:

4. That every Bill proposed to the House shall be read p. 7
Three Severall Daies before it be engrost and that between every reading one Day shalbe Intermitted and that in that Time the Bill to be laid on the Table for the perusal of all the Members Unless on Very Urgent Occasions M^r Speaker with the Consent of the House shall dispence therewith, And then one Bill being read twice at one Sitting shalbe as Sufficient as if read two Several Daies & times when so entred in the Clerks Journal.

5. That no Person shall come into the House of Assembly whilst the same is Sitting with Sword or other Weapon but shall put the same into the hands of the Door keeper or other person Appointed to receive the same upon Penalty of such fine as shalbe Imposed on them by the Speaker not exceeding five Shillings for any one Offence.

6. Any Member bound to Attend this Assembly who shall be Absent at the Hours and Place Appointed after the Number of Twelve of the Members with the Speaker are met According to the order for Setling the House shalbe fined According to the Discretion of the Speaker not Exceeding five shillings

L. H. J. for any one offence unless upon such Lawfull excuse as the Speaker shall admit of.

7. All Misdemeanors which shall happen within this House shall be censured and fined in the House.

8. When any Bill is presented and no Member makes Objections thereto M^r Speaker shall appoint any One Member to Speake thereto and Deliver his Oppinion first.

p. 8 9. That no Bill shalbe read at any Time During this Sessions till all the Members in Towne appear in the House and all Committees be first called in.

10. That no member of this House presume to Smoak any Tobacco within the Barr or Gallerys of this House upon pain of being fined and Censured at the Discretion of the Speaker not exceeding five Shillings for any one offence

Signed p Order. M. Jenifer Cl. L^o Ho:

Resolved that this House will Sit to do Business from nine of the Clock in the Morning till four in the Afternoon and thereupon the following Message is prepared Viz.

By the Lower House of Assembly Oct^r the 10th 1722.

May it Please your Honours

This house in Order to Dispatch Business as much as in them lies have entred a resolve to Sit from Nine of the Clock in the forenoon till four of the Clock in the Afternoon and desire to know whether the times proposed be Agreeable to your Honors

Signed p Order. M. Jenifer Clk. inf^r Dom

Which was sent to the upper House by M^r Waughop and M^r Oldham . They return & say they Delivered it.

Resolved that Eighteen Members and the Speaker be a Sufficient number to make an House to proceed on business.

p. 9 The House proceeds to Appoint the Severall Committees Viz:

ffor the Committee of Elections and Previledges

Coll: John Mackall, M^r James Lloyd M^r Ralph Crabb, Tho^s Humphreys Esq^r & Capt. Henry Hooper.

ffor the Committe of Laws.

James Stoddert Esq^r Dan^l Dulany Esq^r Coll: John Mackall M^r Geo: Dent M^r Robert King and M^r Dan^l Sherwood.

ffor the Committe of Agrievances.

L. H. J.

M^r Robert Tyler, M^r Rich^d Warfield and Cap^t Joseph Harrison.

ffor the Committee of Accounts.

M^r Joseph Hill John Beale Esq^r Coll Jn^o Ward and M^r Thomas Gant.

Who are all sent out accordingly.

On a Motion being made The Question was put whether there shalbe any Alteration in the Allowances to the Clerks of the Comittees of Agrievances and of Elections and Priviledges or not.

Carried in the Affirmative by the Majority of Voices.

Then the Question was put what wages the said Clerks shall have.

Resolved that they be allowed one hundred and forty pounds of Tobacco p Diem for so long as they shall attend and no more.

Ordered that the Clerk of this House Acquaint the Reverend M^r Samuel Skippon that this House desires he will read Divine Service at Eight of the Clock in the Morning and at four in the Afternoon During this Assembly, which was Done Accordingly.

Coll: Tilghman from the upper House Delivers M^r Speaker the folowing Message Viz:

By the Upper House of Assembly Oct^r the 10th 1722.
Gent.

This House concurrs with yo^r House as to the Times proposed in yo^r Message by M^r Waughop and M^r Oldham

p. 10

Signed p order. Sam^l Skippon Cl. up. Ho:

The House adjourns till to Morrow Morning Nine of the Clock.

Thursday Morning October the 11th 1722

The House meets according to Adjournment.

Yesterdays proceedings are Read.

Ordered that the Comittee of Laws prepare An Answer to the Governours Speech.

Col^o Ward from the upper House Delivers M^r Speaker The Petition of Jn^o Diggs praying leave to bring in a Bill to reinvest him with a Parcell of Land formerly taken from him by

L.H.J. Virtue of An Act of Assembly past in favour of Jn^o Beale
of Charles County, Gent and R^d Beale a Minor

Thus Endorst Viz:

By the Upp^r House of Assembly.

October the 11th 1722.

This Petition being referred from last Sessions to this
present Sessions being read is referred to the Consideration
of the Lower House.

Signed p order Sam^l Skippon Cl. Up. Ho.

Which was read againe in this House and rejected.

Coll: Thomas Hammond a Member returned to Serve for
Baltimore County Appears in the house.

Ordered that M^r Warfield and M^r Tolley go wth the said
Coll: Hamond to the upper House to see him Qualified. They
return and Say they see him Qualified. Thereupon he took
his Place.

The Answer to the Governours Speech brought Down from
the Committee was read and Approved of and sent to the
Comittee of Laws to be fairly Transcribed.

On a Motion made for Reading the refrerrances from last
Sessions, The further Consideration thereof is referred till
to Morrow Morning.

p. 11 The Petition of Joseph Gough a Languishing Prisoner in
Queen Ann's County praying leave to bring in a Bill for his
relief was read and referred for further Consideracon, and
Ord^d that the severall Creditors have Notice thereof that if
they think fit They may Appear and make their Objections
thereto.

The Answer of the House to the Governours Speech
brought down from the Comittee of Laws fairly Transcribed
was read and Ordered to be entered as folows Viz.

To the Honble Charles Calvert Esq^r his L^{pps} Lievtenant
Governour of Maryland

The Humble Address of the Lower House of Assembly.
May it Please Y^r Hon^r

As we are of Opinion that the Publick Interest is most
Secure when there is the Greatest Harmony between the
Governour and the People so we shall allwaies think it our
Duty to Endeavour to the Utmost of our power to promote
it wherein we conceive our Selves Sufficiently encouraged by
the Example and recomendacon of a Governour that Makes it

his generous resolucōn to preferr the good of the Country to L. H. J. his own Private Intrest.

The Assembly in July 1721 having Addrest his L^{pp} concerning the Act for Limitation of officers ffees and given their reasons for the present regulation to which wee presume his L^{pp} has yet returned no Answer, we can only say that we Concurr in Opinion with that Assembly and are inclinable to Waite till his L^{pp} shall Signifie his Pleasure.

The Tobacco Law being of the Last Consequence wee shall take the same into Consideration and we return yo^r Hon^r our most humble and unfeigned thanks for yo^r readiness to Concurr with us in what may be for the Generall good of the Countrey which you have upon all Occasions Sufficiently evinced to have sincerely at Heart.

p. 12

A Just regulation of the Militia is Certainly of great Consequence to the Country and therefore wee shall take the same into consideration and contribute Our endeavour to put it upon the best foot the Circumstance of the Country is Capable of, and apply the best remedy wee Can to the Suppressing the fraudulent practice of Runing Tobacco into Virginia and another of our Neighbouring Colonies.

Wee shall, we hope Apply ourselves with so much Dilligence to the Dispatch of Publick Business that no more time be Spent therein nor the Province put to more Charge than is Absolutely Necessary

Signed p Order. M. Jenifer Clk Lower house.

October the 11th 1722.

Which was sent to his Honour the Governour by the Gent of the Com̄ittee of Laws and of Elections and Priviledges. They Return and say they Delivered it.

On Reading the Act for Encouragement of Tillage and relief of poor Debtors and the Supplementary Act thereto,

Resolved that the same be revised and that it be an Instrucion to the Com̄ittee of Laws when they revise the same to enable the Debtor (not haveing the Species due to his Creditour) to Tender Grain &c. and after such Tender to keep the same for two Months for the Creditors use and if in that time the Creditour refuses to receive the same that then the Debtor may apply it to his Own use, And the Creditor shalbe Obliged to Stay till another year.

James Bowles Esq^r from the Upp^r House Delivers M^r Speaker the three Petitions following with their endorsments
Viz:

The Petition of Severall Justices the Grand jury and

L. H. J. Inhabitants of Calvert County praying that a Bill may be
p. 13 brought in for removing their Court House thus endorst viz:

By the Upp^r House of Assembly Octob^r the 11th 1722.

The within Petition being read is recommended to the Consideration of the Lower House.

Signed p Order. Sam^{ll} Skippon Cl. Upp^r Ho.

Which was read in this House and referred for further Consideracon till next Sessions.

And Ordered that the Sherrife of Calvert County give Publick notice as in Cases of Elections to the seva^{ll} Free holders of Calvert County that they meet at the now Court house in the said County on the Thursday in the next Calvert County Court week there by Majority of Voices to declare whether the Court House shall be removed or not, and if to be removed to make choice of a place where to remove it, and that the said Sherr. take the Votes and make his return thereof to the next Sessions of Assembly.

And the Petition of the Clergy of the Western and Eastern Shore praying that a Bill may be bro^d in to Confirm Lands Devised for Glebes thus endorst Viz:

By the Upp^r house of Assembly October the 11th 1722.

The within Petition being read is recommended to the Consideration of the Lower House.

Signed p Order Sam^{ll} Skippon Cl. Up^r Ho

Which was read and referred for further consideracon.

And the Petition of Hen: Lazenby Gent high Sherriff of Ann Arundell County Complaining of Sundry Agrievances That he and the Prisoners in the Goal at Annapolis lye Under by the badness thereof thus endorst Viz:

By the Upper House of Assembly Octo^r the 11th 1722

The within Petition being read is recommended to the Consideration of the Lower House.

Sign^d p Ord^r Sam^{ll} Skippon Cl. Upp. Ho.

Which was read and referr'd for further Consideration and Ordered that Coll: Jn^o Ward M^r Dan^l Sherwood M^r Edw^d Wright and M^r Tho. Tolley be a Comittee to go and View the
p. 14 said Prison & Prisoners and make their report to this House in what Condition the s^d Prison and Prisoners are

The House adjourns till to Morrow Morning Nine of the Clock.

ffryday Morning October the 12th 1722

L. H. J.

The House meets According to Adjournment

Yesterdays Proceedings are Read.

Mr. Speaker Communicates to this House that his Hon^r the Governour is pleas'd to return the following Answer to the Address of this House of Yesterday Viz.

Gentlemen

I return you my Sincere and hearty thanks for your Affectionate Address and shall Allways think my self most happy when I Can Contribute to your well fare

Cha: Calvert.

The Petition of sundry Inhabitants of Somerset County complaining of an undue Election in that County was read and Referred to the Committee of Elections and Previledges for their report thereon.

The Petition of Tho. Sanders and Rebecca his Wife Ex^r of Tho: Clements praying leave to bring in a Bill for the Sale of Some Lands devised for the payment of the s^d Clement his Debts was read and Ordered that all Parties concerned have notice thereof that if they think fit they may appear next Sessions and make their Objections thereto.

Jno Hall Esq^r from the Upp^r House Delivers M^r Speaker the Peticon of Tho: and Eliz^a Guibert of S^t Maries County thus Endorst Viz:

By the Upp^r House of Assembly. Octo^r the 12th 1722

This Petition being read is referred to the Consideration of the Low^r House.

Signed p Order Sam^{ll} Skippon Cl^t up. ho.

On Reading whereof the same is referred for further Consideration.

On Reading againe the Peticon of the Clergy as of Yesterday, Leave is Given them to prepare and bring in a Bill According to their Prayer that the House may further Consider thereof.

M^r Benj^a Mackall Appears in the House. Ordered that M^r Walter Smith and M^r W^m Young go and see him Qualified in the Upp^r House.

They return and say they see him Qualifyed

Thereupon he took his place.

On the Motion made that a Bill be brought in to prevent the

L. H. J. Inconveniencies that often happen by the Quashalls of proceedings on forcible entries and Detainers,

Ordered that the Committee of Laws prepare One Accordingly.

The Petition of Tho: Paget of Prince Georges County desiring to be Relieved against some hardships he has suffered by the late Tobacco Law, was read and referred for further Consideration.

The Petition of Roger Murphey of Kent County praying an allowance for bringing to Justice one John Sidman a felon

Was read and Resolved that he be Allowed One Thous^d pounds of Tobacco in the Publick.

The Petition of the Vestry and Church Wardens of Westminster Parish praying that part of the Parish on the South side of Potapscoe River whereof M^r Tibbs is Incumbent may be added to Westminster Parish aforesaid was read and Leave given to bring in a Bill as prayed unless the s^d M^r Tibbs appears this Sessions and makes his Objections thereto by Friday next.

Coll: John Ward and the rest of the Gent of the Committee Appointed to View the Prison &c. bring into the House the following report Viz:

A Committee Appointed by the Low^r House of Assembly to go and View the Publick Prison at Annapolis and make their report to the s^d House of Assembly in what Condicon
p. 16 the said Prison & Prisoners are.

The Gentlemen appointed are Coll: Jno Ward, M^r Dan^l Sherwood, M^r Edward Wright M^r Thomas Tolley.

Who make choice of Nicholas Hammond to be their Clerk and thereupon proceed in the Affair afs^d which is as follows viz.

Wee the s^d Committee find the Prison to be Very badd and all the Sides of the wood work very rotten and the stone worke Decayed and the upper Work very insufficient to Confine any person therein and the Prisoners in a Deplorable Condition occasioned for Want of Conveniencies in the s^d Prison all which is humbly referred to the House for their further Consideration therein

Signed p Order Nic. Hammond Clk. Committee
October the 12th 1722.

Which being read It is Resolved that a New Publick Prison be built wth proper Conveniencies for Prisoners (at the Publick Charge) except Prisoners Committed for Debt by the Co^v Court of Ann Arundell.

And ord^d that Coll. W^m Watts M^r Justinian Jordan M^r L. H. J. Nath. Hopkins, Jno Beale Esq^r and M^r Dan^l Sherwood be a Committee to Consult and Project for the building thereof and make an Estimate and their report thereon to this House.

Ordered that the Hoⁿble Sam^l Young Esq^r Public Treasurer of the Western Shore pay to M^r Jno Caldwell the remaining part of the one hundred and fifty pounds Sterling due to him in Money for the Work Done by him about the Stadt House and Seven Shillings Current Money for his Charge in Sending down to Col^o Holland's for Lead.

The House Adjourns till to Morrow Morning Nine of the Clock

Saturday Morning October the 13th 1722.

p. 17

The House meets according to adjournment.

Yesterdays Proceedings are Read.

The Petition of ffran: Gandevit and John Read of Pensilvania praying to be relieved against some unjust practices used against them by one William Vanhesdonk Riddlesden was read & leave given to bring in a Bill on Making good their Allegations before the Comittee of Laws. And Ordered the Comittee of Laws enquire into their Allegations and make their report thereon to this House.

The Petition of William Jarvis and W^m Griffin languishing Prisoners in Calvert County were read and Leave given to bring in a Bill for their relief.

The Petition of Richard Young Gate keeper at Annapolis praying that the Assembly will be pleased to Order the repair of the Town Gates and fences and Continue him Gate keeper was read but some Complaints being made against him, Ordered that hee give Security this Sessions in the Sum of Tenn Thousand pounds of Tobacco for the well keeping the Gate and Securing the Horses belonging to the People of the Country and of the City, or that if they get away he be obliged to bring them in at his Owne Charge on reasonable and Convenient Notice given him or that in Default thereof he be no longer Gate Keeper This to be Only for the benefit of the Inhabitants (non residents Excepted)

M^r Tyler from the Comittee of Agrievances returns the following report Viz:

By the Comittee of Agrievances

8^{ber} the 13th 1722.

It is Offered to this Comittee as an Agrievance that there is allowed for Wolves heads or Scalps bought of the Indians

L. H. J. as much as is allowed to the English for killing them in their
 p. 18 Severall Counties which many times may be killed and brought
 by the Indians from other Provinces all which is referred to
 the House for their Consideracon.

Signed p Order Ninian Mariartee Cl. Com.

Which being Read It is Resolved that a Supplementary Bill
 be brought in to oblige English men if the Wolves heads are
 produced by them to a Justice to make Oath that they were
 kill'd in the County Where the Allowance is craved and if by
 an Indian the whole head to be produced green.

A Bill to prevent forcible Entries or holding Lands and
 Tenements with force was read the first time and ordered
 a second reading on Monday and in the mean time it is ordered
 to lye on the Table.

Coll. Holland from the upp^r House Delivers M^r Speaker,
 The Petition of Hugh Rily a Prisoner in Prince Georges
 County thus Endorst Viz:

By the upp^r house of Assembly 8^{ber} the 13th 1722.

This Petition being read is referred to the Consideration of
 the Lower House.

Signed p order Sam^l Skippon Cl up Ho:

Which was read and Rejected.

And the Petition of W^m and Mary Parish in Charles County
 endorst as before which was read and referred till Tuesday
 next.

The Petition of Robert Morris a Languishing Prisoner in
 Annapolis was read and ordered that the Sherriff bring the
 Prisoner here on Munday.

The Petition of Tho^s Dent of Charles County was read and
 referred till Tuesday next.

The Petition and representacon of Sundry Inhabitants in
 p. 19 Somersett County was read and referred till Monday next.

Coll: Young from the Upper House Delivers M^r Speaker
 the following Message Viz:

By the upper House of Assembly 8^{ber} the 13th 1722.

Gentlemen

Coll: Samuel Young having Signified to this House that he
 has a Considerable Sum of Money now in his hands arising
 from the Additional duty of Twenty shillings p Poll on the
 Importation of Irish Servants being Papists and Negroes

and to be Applied to the use of Free schools and Desiring to L. H. J.
be eas'd of so great a Charge we desire yo^r House would enter
into such Measures in Conjunction with this House that Col:
Young may be Satisfied and the Money so Disposed of as
may Answer the End Designed in raising it.

Signed p Order Sam^l Skippon Cl. Up^r Ho.

Which was read and referred for further Consideracon.

The House adjourns till Monday Morning Nine of the
Clock.

Monday Morning October the 15th 1722.

The House meets according to Adjournment.

Saturdays proceedings are read.

On a Motion made the Question was put whether the Law
for killing Squirrells shalbe repealed or not.

Carried in the Negative By the Majority of Voices.

The Bill for Encouragement of Tillage &c^a was read the
second Time and past and was so Endorst and sent to the
upper House by Col: Ward and M^r Sherwood

They return and Say they Delivered it.

Resolved That no Petitions be received after Thursday
next.

The Petition of Robert Morris a Languishing Prisoner in
the Goal at Annapolis was read and upon hearing his allega-
tions Leave is given to bring in a Bill for his relief as prayed. p. 20

On a Motion made the Question was put whether the To-
bacco Law shalbe Amended or repealed.

Resolved that it be repealed and

Ordered that the Comittee of Laws prepare a Bill for the
repeale thereof.

Then the Question was put whether any bill shall be brought
in for the Meliorating Tobacco or not. Carried in the Nega-
tive by the Majority of Voices.

Bill for the relief of ffrancis Gandevit and John Read was
read the first and second times by Especial Order and past,
which was so endors't and Sent to the Upper House by Coll:
Watts and Capt Harrison

They return and say they Delivered it.

A Bill to prevent forcible Entries or holding Lands or Tene-
ments with force was read the second Time and ordered to
lye on the Table for further Consideracon

The Petition of Susanna Mitchell a Languishing Prisoner
in Prince Georges County was read And Ordered that her

L. H. J. Creditors have Notice thereof That if they think fit they may Appear and make their Objections thereto this Sessions.

A Bill for repealing the Tobacco Law and the Explanatory Act thereto was read the first and Second Times by Especial Ord^r and past which was so endorst and sent to the upper House by Col Mackall and M^r Sherwood Coll: Ward and M^r Tolley

They return and say they Delivered it.

The Petition of W^m Pain a Languishing Prisoner in Prince Georges County was read and Ordered that Richard Smith the Attorney in fact for M^r Tho: Colmore have Notice thereof
p. 21 that if he thinks fit he may Appear this Sessions and make his Objections thereto.

The Petition of W^m Grover and Edward Perrie both Languishing Prisoners in Prince Georges County was read and Ordered that their Creditours have Notice thereof, that if they think fit they may appear this Sessions to make their Objections against bringing in a Bill for their releif.

Coll. Tilghman from the Upp^r House Delivers M^r Speaker The Bill for Encouragement of Tillage and relief of poor Debtors thus Endorst viz:

By the upper House of Assembly 8^{ber} the 15th 1722.

Upon reading and Considering the within Bill this House is of Opinion that that Clause which makes it Lawfull for the Debtor to make a tender of the Commodities Mencōned to his Creditor before Execucon and the Prohibitting the Creditour upon his refusall of s^d Commodities to bring his Action for Twelve Months after such refusall is a very great hardship upon the Creditour and has a tendency to put a Damp Upon all inland Trade which cannot Subsist without Credit and that the poor Debtour who is proposed to be relieved by this Bill will be Under greater Disadvantages and hardships for Want of Credit than he could have benifit should this Bill pass.

This House is also further of Opinion that the including Officers ffees to be paid as this Bill Directs makes it not only Impracticable but in great Measure Impossible for the sheriffs to collect them and to Account for them with the Officers as by Law they are Directed to Do.

And further that the prices of some of the Commodities Mencōned are at so high a rate that it is Impossible the Creditor should make his owne Money of them with the Greatest Diligence he can use for which reasons this House is not willing the Bill should pass as it now Stands.

Signed p Order. Sam^l Skippon Cl. Up^r H^o

Coll: Ward and James Bowles Esq^r from the upper House L. H. J.
Delivers M^r Speaker the Bill for repealing the Tobacco Law p. 22
&c thus Endorst viz:

By the Upp^r House of Assembly 8^{ber} the 15th 1722

Upon Reading the within Bill we find no reason Assigned
for the Repealing the Tobacco Law And for that we know not
any reason why it should be repealed we Cannot Consent to the
repealing thereof.

Signed p Order. . Sam^l Skippon Cl. Upp^r Ho.

M^r Walter Smith on his Motion has the leave of the House
to go home his Wife being very ill.

The House Adjourns till to Morrow Morning Nine of the
Clock.

Tuesday Morning October the 16th 1722.

The House Meets According to Adjournment.

Yesterdays Proceedings are Read.

M^r W^m Whittington a Member returned to Serve for Som-
ersett County Appears in the House.

Ordrd that M^r Purnell and M^r Hopkins go to the upp^r House
to see him Qualified

They return and say they see him Qualified.

Thereupon he took his Place.

Tho: Bordley Esq^r a member returned to Serve for Ann
Arrundell County (who thro' his indisposition has been
hitherto Absent) appears in the House. Ordered that Jn^o
Beale Esq^r and M^r Rich^d Warfield go to the Upper House
and see him Qualified.

They return and say they see him Qualified.

Thereupon he took his Place.

Coll: Mackall from the Comittee of Elections and Prev-
iledges returns the following report Viz:

By the Comittee of Elections and Previledges

October the 16th 1722.

On Inspection into the Writt and Indentures for M^r W^m
Watts M^r Justinian Jordan M^r Thomas Waughop and M^r Jn^o
Read Members returned for Saint Marys County we find
them Duly Elected.

We also find M^r George Dent M^r Henry Holland Hawkins p. 23
M^r John Courts and M^r Joseph Harrison Members returned
for Charles County to be Duly Elected.

L. H. J. We also find Col^o John Mackall M^r Benj^a Mackall M^r Walter Smith and M^r Wm Young Members returned for Calvert County to be duly Elected.

Wee also find M^r Robert Tyler M^r James Stoddert M^r Ralph Crabb and M^r Thomas Gant Members ret^d for Prince Georges County to be duly Elected.

Wee also find M^r Tho. Bordley M^r Joseph Hill M^r John Beale and M^r R^d Warfield members returned for Annarrundell County are duly Elected.

Wee also find M^r Tho. Tolley, M^r W^m Hamilton M^r Jn^o Taylor and Col. Tho: Hammond Memb^{rs} returned to serve for Baltemore County to be Duly Elected.

Wee also find M^r Tho. Humphreys and Dan^{ll} Dulany Esq^r Members for the City of Annapolis to be duly Elected.

We also find Coll: Jn^o Ward M^r Josiah Sutton M^r ffrancis Mauldin and M^r W^m ffreeman Members returned for Cecill County to be duly Elected

We alsoe find M^r Sam^l Wallis M^r Robert Dunn, M^r Philip Kennard and M^r W^m Blackiston Members returned for Kent County to be duly Elected.

Wee also find M^r Edw^d Wright, M^r Jn^o Chairs, M^r W^m Elliott and M^r Solomon Wright members returned for Queen Ann's County to be Duely Elected.

Wee alsoe find Robert Ungle Esq^r M^r Ja^s Lloyd, M^r Dan^{ll} Sherwood & M^r John Oldham Members returned for Talbot County to be duly Elected.

Wee also believe M^r Hen: Hooper M^r Mathew Traverse M^r John Hudson secundus and M^r Edward Pritchett Members returned for Dorchester County to be Duely Elected but find
p. 24 no Writt returned with the Indentures.

Wee also find that (on hearing the Allegations of both parties) M^r Nath^{ll} Hopkins M^r Robert King M^r Tho: Purnell and M^r William Whittington members returned for Somerset County are duely Elected but no writt returned with the Indentures

Signed p Order. Jn^o Gibson Cl Comē

On Reading whereof the House Concurrs with that report (Excepting that part that relates to the Election of M^r Tho: Humphreys as a Member returned for the City of Annapolis against w^{ch} there being some Objections made the same is againe referred to the Comitte of Elections and Preveledges for their further Examinacon and report.

The Petition of the Vestry and Church Wardens of Westminster Parish in Ann Arrundell County was read and it Appearing that M^r Tibbs according to a former Order of this

House has had notice thereof by the Oath of Edward Mason L. H. J. and the s^d Tibbs his Certificate thereof Leave is given to bring in a Bill as prayed.

A further Supplementary Bill to the Act for killing Wolves &c. was read the first and second Times by Especial Ord^r and past which was so endorst and sent to the upper House by M^r Tyler and M^r King. They return and say they Delivered it.

John Rousby Esq^r from the upper House Delivers M^r Speaker the Bill for the relief of ffrancis Gandevit and John Read thus Endorst Viz:

By the Upper House of Assembly. 8^{ber} the 16th 1722

We conceive that to give Gandevit and Read an Absolute Estate of Inheritance in fee Simple in the Lands mencōned in this Bill would be to Cut off Birmingham from any Claim or Title in the s^d Lands which (by what it Appears to us) he has never yet Legally made Over to any person w^tsoever, p. 25 and not only so but would alsoe Cut off any Claim or Title from any other Person who might have a Right previous to s^d Birmingham but it appearing by Birmingham's Certificate Sealed with the Seale of New Castle that he is Willing to Acknowledge and make over the s^d Lands to the said Gandevit and Read upon their Procuring An Act of Assembly for having the said Lands in Satisfaccon for their Debt and also upon their Giving him the said Birmingham good Security to indemnifie him the said Birmingham his Heires &c: from said Riddlesden, we are of opinion that the intent of the Petitioners in Desiring an Act of Assembly in their favour is only that wee should make good the Deficiencies in Riddlesdens Deed of Conveyance for want of due Acknowledgement and give them as full right and Title in the s^d Lands as Riddlesden himself had or they should have had, had the said deed been duely Executed.

The Bill being altered according to these sentiments (as above Exprest) will pass.

Sign^d p ord^r Sam^l Skippon Cl. Up. H^o

Which was read and the Bill Comitted for Amendment Accordingly.

Coll: Holland from the upper House Delivers M^r Speaker the Supplementary Bill to the Act for killing Wolves &c thus Endorst Viz.

By the Upper House of Assembly Oct^r 16th 1722

Read and will Pass.

Signed p Order Sam^l Skippon Cl. upp. H^o

L. H. J. Which was read again and past for Ingrossing.

The Petition of William & Mary Parish in Charles County was read and on hearing the Allegations as well on behalf of the Vestrey of the said Parish as of King and Queen Parish in S^t Marys County

The Petition aforesaid is rejected.

p. 26 On Reading the Bill for encouragement of Tillage and releif of poor Debtors with the Endorsment from the upper house thereon, Ordered that the following Message be prepared Viz:

By the Low^r House of Assembly 8^{ber} the 16th 1722.

May it Please yo^r Hon^s

We have Considered yo^r endorsment on the Bill for Encouragement of Tillage &c. And are willing that the Clause relating to Tenders extend no farther than upon the Debtors Tendring such Comodities after any Decree or Judgment in any Court or before any Single Justice and Certificate thereof Made that the Creditor shall take them within two months from the Time of Such Tender or that in delay of his taking them within that Time such Certificate of Such Tender and delay shall Amount to An Absolute Stay of Execution till the next Season which shalbe Supposed to be allwaies betwixt the last Day of November and the last Day of Aprill in each year After which Time he shall be obliged to take Any the Comodities af^d in the Same Manner as before if the Debtor has not then the Species contracted for, But as to Officers ffees wee cannot apprehend that there is any reason for Excepting them out of the Bill but that they ought to be under the same Circumstances as Other Creditors of receiving their ffees in the Commodities of the Country for as much as they being Residents in the Country Ought to Share with their fellow Subjects in Submitting to such Inconveniencies as are absolutely Necessary for the relief and Ease of the poor.

As to the Comodities being too high rated we are of Opinion that they are reasonably enough rated seeing they are only in Current Money.

We likewise propose that An Amendment be made in the provisoe of the Bill that they shall not extend to the Discharge of Any Debt that arose due for Bills of Exchange or money really and bona fide borrowed by Such Debtor of such Creditour.

p. 27 With which Amendments if yo^r Hon^{rs} Concurr the Bill may be Amended Accordingly.

Signed p Order. M. Jenifer Cl Lo. H^o.

Which being Approved of was Sent to the upper House L. H. J. by Coll: Mackall and five others members of this House.

They return and Say they Delivered it.

The Petition of W^m Anglin a Languishing Prisoner in Annapolis was read & Ordered that Cap^t Tho^s Cockey his Creditour have Notice hereof that if he thinks fit he may Appear this Sessions and make his Objections there to.

The Petition of W^m Willson of Ann Arrundell County praying leave to bring in a Bill for Confirming to him Two hundred and twenty five Acres of Land in Ann Arrundell County was read and referred to the Com^{it}tee of Laws that they may Examine the Allegations and make their Report thereon to the House which was so Endorst.

The Pet^o of W^m Brimer Praying to be released from his Committment on Account of Excessive Baile required from him for the keeping the peace was read and referred to some Prov^l Justice to take reasonable baile from him which [was] so Endorst.

On a Motion being made

The Question was put whether the Act for Speedy Recovery of Small Debts before a Single Justice shalbe Amended or not.

Carried in the Negative by the Majority of Voices.

The House Adjourns till to Morrow Morning nine of the Clock.

Wednesday Morning October the 17th 1722.

The House meets According to Adjournm^t

Yesterdays proceedings are Read. Tho: Bordley Esq^r is Added to the Comittee of Laws.

The Bill to Prevent forceible Entries &c was read againe and the Question being put whether the Bill shall pass or not,

It was Carried in the Negative by the Majority of Votes.

There upon the bill is Rejected.

The Petition of Major Sewall is referred to the Com^{it}tee of Laws for their Examination, and report thereon.

The Bill for the relief of ffrancis Gandevit and John Read was read with the Amendment proposed by the upper House, and proposed that the following Amendment be Added viz:

The Deed from Birmingham to Riddlesden not being recorded According to the Directions of the Act of Assembly of Maryland, unless that Defect be supplied the Confirming

L. H. J. the Deed from Riddlesden to Gandevit & Read will Availe them nothing. Therefore it is proposed that as they pay the Consideracon for the Land they be in the same Condicon as if all the Deeds had been Duely Acknowledged and recorded and that it may be an Amendment to the Bill and the upper House Desired to Consent thereto

Which Bill was endorst Accordingly and sent to the upper House by Coll: Ward and M^r Chairs, who return and say they Delivered it.

John Hall Esq^r from the upp^r House delivers M^r Speaker the Bill for relief of ffrancis Gandevit and John Read Thus endorst viz:

By the upper House of Assembly October the 17th 1722.
Gentlemen,

The within Bill will Pass with the Amendments Proposed in yo^r Message by Coll: Ward and M^r Chairs.

Signed p Order. Sam^l Skippon Cl. Up. Ho.

Which was Amended Accordingly and past for engrossing.

M^r Tyler from the Comittee of Agrievances Delivers M^r Speaker the Petition of Thomas and Elizabeth Guibert Com-plaining of Sundry Agrievances they have Suffered by the late Land Law Thus endorsed Viz.

p. 29 By the Comittee of Agrievances 8^{ber} the 17th 1722

Upon reading the within Petition and hearing the Alle-gacons of the Petitioner and Seeing Severall Papers relating to the Pet^{rs} Land The Comittee are of Opinion that they are great Sufferers by the Judgments given against them by the Land Commiss^{rs} The which is referred to the house for their further consideration.

Signed p Order. Ninian Mariarte Clk. Com.

And returns the following report Viz.

By the Committee of Agrievances Octo^r the 17th 1722.

It is offered to this Committee as an Agrievance that as most or all Horses at this Time have taken to eating Tobacco and there is not Yet any Law made to lay a Fine upon Any Person that Suffers such Horses to go at Large, which gives them the Oppertunity of Destroying more Tobacco at Many Times than they are worth, It is almost Impossible for Poor People and those that Live upon Old Plantacons to fence in their Tobacco Grounds with fences five foot high, as the Law

Directs the which is offered to the House for their further L. H. J. Consideration.

It is also offered to this Committee as An Agrievance that there is a fine laid upon every poor man that is sued and Cost Thirty pounds of Tobacco in the County Court and fifty in the Prov^l which were the Amerciam^{ts} Ten Times Those Sums yet every man would think it Justice to Sue for a Just Debt which is referred to the House for their further Consideration.

It is alsoe Offered to this Committee as an Agrievance that there is no Act of Assembly Provided to Oblige the Lawyers to pay Costs of Suite when the Client is Nonsuited thro their Neglect or Mismanagement which is referred to the House for their further Consideracon

Signed p Order Ninian Mariarte Clk Comitte.

Coll. Addison from the Upp^r House Delivers M^r Speaker the Bill for Encouragement of Tillage with the following Message Viz:

By the Upp^r House of Assembly 8^{ber} the 17th 1722.
Gentlemen.

Wee are of Opinion that the evill Complained of in Our Endorsment on the Bill for Encouragement of Tillage &c: p. 30 is not at all remedied with relation to the Creditor by the Methods proposed in your Message of Yesterday by Coll: Mackall and five more, in regard that it puts him to a greater expence than before, and yet Obliges him at Last to Accept the same Commodities Mencōned in the Bill as Satisfaccon for his Debt; for which Reason as well [as] for the reasons before Given, We Cannot Consent that the Bill should pass

Signed p Order. Sam^l Skippon Cl Upp H^o.

The House Adjourns till to Morrow Morning nine of the Clock.

Thursday October the 18th 1722

The House meets according to Adjournment. Yesterdays proceedings are read.

James Stoddart Esq^r from the Committee of Laws returns the following report on William Wilsons Petition Viz:

By the Committee of Laws October the 18th 1722

On Enquiry into the Truth of the Allegacons Contained in W^m Wilsons Petition

Wee find that the Grant therein Mencōned to John Gray and

L. H. J. Joseph Morely Appears on the Land Records as alledged in the Peticon.

Wee find an Attested Copy of a release from Gray to Rich^d Deavour which recites a Conveyance from the said Joseph Morely to the said Rich^d Deavour for the Two hundred and Twenty five acres of Land Mencōned in the Petition.

And upon the back of the said release the following Assignement.

p 31 Memorandum that this Copy of the release of John Gray to Richard Deavour was Sealed and Delivered Assigned and Set Over to John Wilson of Herring Creek in Ann Arundell County in the Province of Maryland his Heirs and Assignes for ever.

In Wittness whereof the said R^d Deavour hath hereunto Set his hand and Seale the one and thirtieth Day of January in the year of Our Lord God 1675

Richard R D Deavour [Seal]
signum

Witness John Jeffreys
John Sollers
Cha. Beavan
Tho Merridale

And humbly Submit the Consideration of the above to the House

Signed p Order. Vachel Denton Cl. Comē

Thereupon Ordered that the Petitioner give Notice to the heirs of Deavour (if any there be) to Appear next Sessions if they think fit and then make their Objections against bringing in a Bill On the behalf of the petitioner which was [so] Endorst.

On reading the Peticon of William Brimer and the Prov^l Courts Representacon thereon

Resolved that any Prov^l or County Justice take his own Single Recognizance in any reasonable Sume for his good behaviour &c^a and Discharge him from Prison thereon he paying ffees.

On Reading Yesterday's Endorsment from the Upp^r House on the Bill for Encouragement of Tillage &c^a Resolved that the foll^o Message be prepared Viz.

By the Low^r House of Assembly 8^{ber} the 18th 1722.

May it Please Y^r Hon^{rs}

This House is willing to Decline any thing relating to the Manner of Tenders and the prices as Proposed in the Bill

for Encouragement of Tillage &c being Willing that the ^{L. H. J.} Prices remain as in the Act now in force But desire your Honours will (for the reasons by us before given by our Message by Coll: Mackall and five Others) Consent that Officers fees be paid by the Severall Comodities in the ^{s^d} Bill Specified as other Debts therein Mencōned are to be paid.

Signed p Order M: Jenifer Cl. Lo Ho. ^{p. 32}

Which was sent with the Bill afores^d to the Upper House by M^r Tyler and Seven others.

They return and Say they Delivered it.

The Peticon of the Inhabitants of Baltemore County praying that a Town may be laid Out where the County Court house now stands was read and Ordered that Coll: James Maxwell have Notice thereof that if he thinks fit he may appear next Sessions and make his objections if any thereto.

The Peticon of the Sherriff and Goaler of Ann Arrundell County praying Some Allowance for their fees due to them from the Prisoners formerly Discharged by Act of Assembly as from those now to be Discharged was read and referred till the prisoners Bill comes in.

The Petition of Elizabeth and Tho: Guibert was read again and rejected.

The Petition of William Anglin of Ann Arrundell County a Poor Prisoner was read and on hearing the Allegacons as well of the Peticon^r as of Tho: Cockey Gent his Creditour the Same is rejected.

The Peticon of Isaac Johns of Calvert County, And the Petition of Jn^o Gresham of Ann Arrundell County Gent, And

The Peticon of Jn^o Seager of S^t Mary's County all Complainings of Sundry hardships they have Suffered by the Land Law were Severally read and Ordrd to be Severally Endorst Viz.

That it is the opinion of this House that the Peticon^r has his remedy at Law if the facts Alledged are true.

Bill to Confirm Lands Devised for the use of the Church was read the first time and Ordered to lie on the Table for further Consideration.

The Peticon of James Lloyd and Jn^o Pemberton Executors ^{p. 33} of Robert Grundy praying leave to bring in a Bill to enable them to Convey severall Tracts of Land sold by the ^{s^d} Grundy in his life time and not by him made over was read and referred to the Committee of Laws for their Examinacon and report thereon.

L. H. J. The Peticon of Hugh Matthews referred from last Sessions is referred as above.

The report of the Committee of Laws thereon is return'd as follows.

By the Committee of Laws October the 18th 1722.

On Enquiry into the Allegations contained in the within Peticon we find the same Sufficiently Proved by record.

Signed p Order Va: Denton Cl Come

Wth which the House Concurrs and leave is given to bring in a Bill as prayed.

The House Adjourns till To Morrow Morning Nine of the Clock

ffryday 8^{ber} the 19th 1722.

The House meets According to Adjournment Yesterdays Proceedings are Read.

On reading the report of the Committee of Agrievances return'd on Wednesday last,

The first Agrievance is Rejected.

As to the second Agrievance relateing to Amerciaments,

Resolved that the same is An Agrievance and that the Act for Amerciaments be Amended or explained, And that the Committee of Laws prepare a bill Accordingly.

As to the s^d Third Agrievance It is the opinion of this House that the Comon Law Sufficiently provides against it.

Coll: Ward and Jn^o Rousby Esq^r from the Upp^r House Delivers M^r Speaker the Bill for Encouragem^t of Tillage &c. wth the following Message Viz.

p. 34 By the Upper house of Assembly October the 19th 1722.
Gentlemen

On Reading Your Message of Yesterday by M^r Tyler and Seven others and the reason referred to in your former Message relateing to the Bill for Encouragement of Tillage &c^a

Wee are Still of Opinion that Officers Ought not to be Comprehended within that Law for that their Circumstances are Very Different from other Creditors.

1st In regard that the fees of the Secretary Comissary &c^a become due in all parts of this Province and Many of them in very small Parcells, so that should they be paid in the Comodities Mencōned in this Bill no person would take the trouble to Collect them if they might have them for their pains.

2^d Officers are obliged to Credit all Persons who apply to L. H. J. them and have not the Liberty of Choosing who they will Credit and where, as other Creditors have

3^d When Such fees are received in Small Parcells as many of them must Necessarily be the officers had better let them lye and perish (which they would in a Short time) Than be at the expence of fetching them. And we further Observe that the Sherriffs of the Severall Counties, who have the Collecting of Officers ffees, if they should be Oblidged to take the afores^d Comodities would be thereby disabled to make hogsheads of Tobacco, and be obliged to receive great part of their Tobacco in Parcells which would ruin them and very much prejudice the Publick Credit and we Cannot think it would be any Advantage to the poorer sort of people who Seldom have more of those Comodities than will Supply their families Occasions, but would rather give advantage to some dishonest Persons to Divest themselves of the Species they are sued for, and procure those Comodities purely to disappoint and perplex their Creditours. Besides the fees of the Sever- p. 35 all Offices are Already so reduced that they are Scarce Sufficient to Support the Officers; and Wee cannot but think it for the honour of our Country that they should be handsomly Supported in their Severall Stations, For which reasons and many more that might be Alledged we cannot consent that the Bill should pass.

Signed p Order. Sam^l Skippon Cl. Up. H^o

Thereupon Ordered that the Committee of Laws revive or revise the Bill.

Ordered that the Comitte of Laws prepare a Bill or Clause of a Bill for regulating prosecucons in Criminal Cases.

I An Engrost Bill for the relief of Francis Gandevit and John Read both of the City of Philadelphia was Read and Assented [to] And was so endorsed and Sent to the Upp^r House by M^r Edw^d Wright and M^r Kennard

They return and say they Delivered it.

A Bill to Confirm Lands devised for the use of the Church was read the second Time and past, which was so Endorst and Sent to the Upp^r House by M^r Tyler and three other Members. They return and say they Delivered it.

A Bill to enable Hugh Mathews to make Sale of Dennis Sullivan's Land was read the first and second times by Especial order and past which was so endorst and Sent to the upp^r House by M^r Chairs and M^r Solomon Wright.

They return and say they Delivered it.

L. H. J. Resolved a Bill be brought in to enable Magistrates to give final Judgment in certain cases.

And Ordered the Committee of Laws prepare it.

The Petition of Tho: Dent was read again and leave given to bring in a Bill as Prayed.

A Bill for uniting part of St. Pauls Parish in Baltemore County to Westminster Parish in Ann Arrundell County was read the first and second Times by Especial Order and past which was so Endorst and sent to the Upp^r House by Coll Hammond and M^r Tolley

They return and say they Delivered it

Coll Young and Esq^r Hall from the Upp^r House Delivers M^r
p. 36 Speaker the Bill to Confirm Lands devised to the use of the Church thus endorst Viz:

By the Upper House of Assembly, 8^{ber} the 19th 1722.

Wee conceive that part of the provisoe in the Bill comprised in these words Viz: (or about which there is at this Time any contest or Law suit depending) ought not to be inserted because a Case now Depending & not Determined by Law has as good and equitable a Right to the benefit of this Bill as any Case not yet brought into Dispute with which Alteracons this Bill will pass.

Signed p Order Sam^l Skippon Cl Up^r Ho.

2 A further Supplementary Engrost Bill to the Act for killing Wolves Crows and Squirrells was read and Assented to and being so endorst was sent to the Upp^r House by M^r Chairs and M^r Sutton.

They return and say they Delivered it.

James Stoddart Esq^r from the Committee of Laws returns the following Report on the Pet^o of Mess^{rs} Lloyd and Pemberton Viz:

By the Committee of Laws Octo^r the 19th 1722

Upon Enquiry into the truth of the Allegations contain'd in Mess^{rs} James Lloyd & John Pemberton Ex^{rs} of Robert Grundy decēd their Petition, We find them made good: As to Lands sold to and in Possession of Edw^d Morgan being 232 Acres part of Smith's Clift, Twenty Acres part of or adjoining to the same Land with the Mill called Tuckahoe Mill Also as to a Lot or parcell of Town Land in the Possession of M^r Daniel Sherwood sold him by Rob^t Grundy in Oxford Town in Talbot County, Also as to a Tract or parcell of Land called Fentry Containing One hundred Acres, one other Tract

or parcell of Land adjoining thereto called long Point contain- L. H. J.
ing forty Two Acres both in the possession of James Dawson
of Talbot County Gent

All which Lands and Lot We find the persons af^d were put
in possession of by M^r Grundy before his Death

Signed p Order Vachel Denton Cl. Com.

Thereupon Leave is given the Petitioners to bring a Bill
accordingly.

Coll: Holland from the Upper House Delivers M^r Speaker p. 37
the Bill for Uniting part of S^t Paul's Parish in Baltemore
County to Westminster Parish in Ann Arrundell County
thus endorst Viz:

By the Upp^r House of Assembly October 19th 1722

Read and will pass.

Signed p Order Sam^l Skippon Clk Up^r Ho.

Which was read again and past for Engrossing.

A Bill for Confirming Lands devised to the use of Churches
with the Endorsment from the upper House thereon was
Read and Ordered to be thus Endorst viz

By the Low^r House of Assembly 8^{ber} the 19th 1722.

May it Please yo^r Hon^{rs}

The reason of the Exception in the within Bill is because
wee esteem it Unparliamentary and not fit to be drawn into
Practice that while any Contest is depending an Act should
be made to alter the Law on which the Contending Parties
Grounded their Suits which indeed would be to make the
Act have a Retrospect and besides to leave out that Exception
would be to Grant the Pet^{rs} more than they prayed for.

Signed p Order M. Jenifer Cl. L^o ho.

Which was sent to the upper House by M^r Humphrys and
Three others. They return and Say they Delivered it.

The House Adjourns till to Morrow Morning nine of the
Clock.

Saturday October the 20th 1722.

The House meets According to Adjournment.

Yesterdays Proceedings are Read.

Ordered that the Serjeant Attendant to this House send
a Messenger to M^r W^m Turbut to Acquaint him that this

L. H. J. House requires him to make a return of all the papers relating to Maj^r Sewalls and the Indians Lands Immediately.

Resolved that the Chancellor be allow'd Eight hundred p^{ds} of Tobacco for the Copys of the Sev^rall bodys of Laws made in July Assembly Last and two hundred pounds of Tobacco for February Laws sent to the Severall Counties.

The Comittee of Laws bring into the House a Bill to regulate prosecucons in Criminall Cases,

p. 38 A Bill for the Amendment of the Law and the Speedier Advancement of Justice in relation to the Assessing of Damages, And

A Bill for Continuing all Causes in the high Court of Appeals from the Court that was Appointed to be held in July 1722 for the Time therein Mencōned, Which were read the first and Second times by Especiall Order and past which were Severally Endorst and Sent to the upp^r House by M^r Beale and Three Others

They return and say they Delivered them.

A Bill for preventing the Destroying of boundaries was read the first and Second Times by Especial Order and past which was so endorst and Sent to the upper House by M^r Stoddert and M^r Lloyd.

They return and Say they Delivered it.

The House Adjourns till Monday Morning nine of the Clock.

Monday Octob^r the 22^d 1722.

The House meets According to Adjournment.

Saturdays Proceedings are Read.

Resolved that the Committee of Accounts Close their Accounts and make Allowances till Saturday next.

The Peticon of W^m Bozman and Sarah his wife referred from last Sessions was read & Rejected.

Resolved that a Bill be bro^t in for the Speedier Examination of Evidences in relacon to the bounds of Land and for Giving Security On Injunction Bonds.

And that a Supplementary Bill be brought in to the Act for the better Administracōn of Justice in Testamentary affairs.

And that a Supplementary Bill be bro^t in to the Act for repairing Public Records

p. 39 Resolved that Coll: Jn^o Mackall Tho: Bordley Esq^r M^r Rob^t Tyler M^r James Lloyd Col: John Ward and M^r Robert King be a Committee to join with Some Members of the upper House to Consider of some Methods for the disposing of the Money

now in the Treasurers hands for the use of the ffree schools L. H. J.
to be Erected in the Several Counties.

Coll: Addison from the Upp^r House Delivers M^r Speaker
the following Message Viz.

By the Upp^r House of Assembly Octo^r the 22^d 1722.

Gentlemen:

His Honour the Gov^r having Com̄municated to us a Paragraph of Coll: Spotswoods Letter to his Hon^r of the 13th of this Instant October we have sent you a Copy thereof which is as follows Viz:

Another proposition I have to make to yo^r Indians with respect to Runaway Negroes and Slaves it being a Matter of Importance which must greatly Affect the properties of People in these parts, If Indians be allowed to Harbour our Slaves as the Shuannoos at this Time do and protect them under the pretence of their haveing set such Slaves free.

This Gentlemen we look upon as a Matter of Great Importance to this Province severall of our Own Negroes and Slaves having already run away to the said Indians and Living now among them, which if not in time prevented, may be an Encouragement to greater Numbers of them to do so. Wee therefore recomend this to your Consideracon, as also the Mischievous consequences of the unlawfull and Tumultuous Meetings of Negroes, Who under the pretence of Mirth hatch and contrive all the evill they can of which we have Lately had a remarkable Instance in the barbarous Designe of the Negroes of Virginia, tho happily before Execution Discovered and prevented.

Sign^d p Ord^r Sam^l Skippon Cl Up^r H^o

Which was read and resolved that this House will further Consider thereof and Ordrd that the foll^o Message be prepared Viz:

By the Low^r House of Assembly 8^{ber} the 22^d 1722.

May it Please Your Hon^{rs}

We concurr with your Hon^{rs} Message of this day by Coll: Addison and shall Consider of proper Measures for the redressing the Agrievances therein complained of with all Convenient Speed.

Signed p Order. M. Jenifer Cl. Lo. Ho.

Which was sent to the Upp^r House by M^r Humphreys and M^r Chairs. They return and say they Delivered it. p. 40

L. H. J. Col: Tilghman from the upper House Delivers M^r Speaker the Bill to Confirm Lands Devised for the use of Church^s thus endorst Viz:

By the Upp^r House of Assembly Octo^r the 22^d 1722.
Gentlemen

In Answer to your Message on the 19th Instant by M^r Humphreys and Three Others the Bill being read will Pass.

Signed p Order. Sam^l Skippon Cl. Up^r ho

Which was read againe and Past for Engrossing.

On Reading the Peticon of John Macclester of Som^rset County referred from last Sessions Leave is Given to bring in a Bill to put the Peticon^r in the Same Circumstances as other Publick Credit^{rs} were Which was so endorst.

Philemon Lloyd Esq^r from the Upper House Delivers M^r Speaker, The Bill to Enable Hugh Mathews to sell Dennis Sullivans Land thus endorsed Viz:

By the upper House of Assembly. 8^{ber} the 22^d 1722.
Gent.

This Bill as it now Stands will not pass but it is proposed that the Commissioners be Appointed to make Sale of the Land for the same uses.

Signed p Order. Sam^l Skippon Cl. Up^r Ho.

Col Holland from the upp^r House delivers M^r Speaker the following Bills Viz.

The Bill to Regulate prosecucons in Criminall Cases thus Endorst Viz:

By the Upp^r house of Assembly October the 22. 1722
Read and will Pass

Signed p Order. Sam^{ll} Skippon Clk Upp. Ho.

The Bill for the Amendment of the Law and Speedier advancement of Justice in relation to the Assessing of Damages thus Endorst Viz:

By the Upper House of Assembly 8^{ber} the 22^d 1722.
Read and will pass.

Signed p Order. Sam^l Skippon Cl. Upp^r Ho.

The Bill for Continuing Causes in the Court of Appeals L. H. J. &c. thus endorst Viz.

By the Upp^r House of Assembly October the 22^d 1722

Read and will Pass.

Sign^d p Order Sam^l Skippon Cl. Up. H^o

Which said three Bills were read againe and past for p. 4^t Ingrossing.

M^r Lloyd and Cap^t Harrison Added to the Committee to Conferr with workmen ab^t the new Prison to be built.

Coll Young from the Upp^r House Delivers M^r Speaker the Bill for preventing the Destroying of Boundaries thus endorst Viz:

By the Upp^r Ho: of Assembly 8^{ber} the 22^d 1722

Read & will Pass.

Signed p Ord^r S. Skippon Cl. Up. H^o

Which was read again and past for Engrossing.

An Engrost Bill for the Uniting part of S^t Paul's Parish in Baltemore County to Westminster Parish in Ann Arrundell County was read and Assented to by this House and was so endorst and Sent to the Upper House by M^r Beale and M^r Oldham. They return and Say they Delivered it.

A Bill for Encouragement of Tillage and releif of Poor Debtors, And a Bill for regulating Amerciaments &c^a were read the first and Second Times by Especiall Ord^r and past which were so endorst and Sent to the Upp^r house by M^r Tyler and three others. They returned and Say they Delivered them.

The House Adjourns till to Morrow Morning nine of the Clock

Tuesday Morn. October the 23rd 1722

The House meets According to Adjournment

Yesterdays Proceedings are read.

Resolved that M^r Tyler and M^r Beale be joined with One of the Gentlemen of the upper House such as shalbe by them appointed to meet at such time as they shall think fit to Agree with proper Workmen for the Repairing the Publick Prison after this Sessions of Assembly.

L. H. J. A further Supplementary Bill to the Act for the better Administration of Justice in Testamentary Affairs &c was read the first and Second Time by Especial Order and past which was so endorst and Sent to the upp^r House by M^r Waughop and M^r Taylor

They return and Say they Delivered it.

The Bill to enable Hugh Mathews to sell Dennis Sullivans Land was read and ordered to be thus endorst Viz:

p. 42 By the Low^r house of Assembly. October the 23rd 1722.

May it Please your Honours

The Appointment of Commissioners will be Expensive and their being but 150 Acres of Land to be sould the Produce of which will not pay what the Testators Debts will exceed his Personall Estate so that there is a Necessity of using all the good Husbandry that Can be to Save Charges, Therefore it is proposed by this House that Hugh Mathews the Executor give new and good Security for the due Administracon of the Deceased's Estate that that Security be Chargeable with the Money or Tobacco The Land Can be sold for and he be empowered to Sell.

Signed p Order. M. Jenifer Clk. Lo: Ho.

And Sent to the Upp^r House by Coll: Ward and Cap^t Jordan They return and say they Delivered it.

Col^o Addison from the Upp^r House Delivers M^r Speaker The Bill for Encouragement of Tillage & releife of poor debtours thus Endorst, viz.

By the Upp^r House of Assembly

October the 23rd 1722.

This Bill being read will pass with the following Amendments.

1. That the Title be An Act for the better releife of poor Debtors.

2. Where the Debtor & Creditor live in the same County all Tenders shalbe made to the Creditour at the Creditours House, or at such place in the same County where the Creditor or on his refusall where the Sherriffe shall appoint.

If due to an Officer or a Creditor that lives out of the County Where the Debtor lives then at the Sherriff's House or where the Sherriffe shall appoint in the County

Signed p Ord^r Sam^l Skippon Cl. Up. Ho.

Ordered that the Bill be amended Accordingly
Ordrd the following Message be prepared Viz.

L. H. J.

By the Low^r House of Assembly

Octob^r the 23rd 1722

May it please yo^r Hon^{rs}

This House taking into Consideracon the bad State of the Prison and Prisoners in the Publick Goal at Annapolis are willing the Prison should be repaired, and for that end we desire yo^r Hon^{rs} wilbe pleased to appoint one of the Members of your House to join wth M^r Robert Tyler and John Beale Esq^r (whom wee have appointed of our House) to agree with proper Workmen for the necessary repairs thereof at such Time and place as they shall think fit after this Sessions. p. 43

Signed p Ord^r M. Jenifer Cl. Lo. Ho.

Which was sent to the upper House by Capt. Harrison and M^r Whittington.

They return and say they Deliver'd it.

Philemon Lloyd Esq^r from the Upp^r House delivers M^r Speaker The Bill to enable Hugh Mathews to sell Dennis Sullivans Land &c. Thus Endorst Viz.

By the Upp^r House of Assembly 8^{ber} 23^d 1722.

This Bill being read will Pass in the manner proposed by yo^r House.

Signed p order Sam^l Skippon Cl Upp^r Ho.

Which was Amended Accordingly and past for Engrossing.

M^r Tyler from the Comittee of Agrievances Returns the following report viz.

By the Comittee of Agrievances 8^{ber} 23^d 1722

It is Offered to this Comittee as an Agrievance that the Petty Jurors that are obliged to attend the Prov^l Co^{rt} many of them being sumoned out of the remotest part of this Province and obliged to attend during the sitting of the Court are allow'd but Thirty pounds of Tobacco for every Day they attend the Court and have no Itinerant Charges allowed, The which is thought to be a great hardship, therefore it is referred to the House for their further Consideracon.

Signed p order Ninian Mariarte Cl. Come.

The House adjourns till to morrow Morning nine a Clock

L. H. J.

Wednesday October the 24th 1722

The House meets according to Adjournment

Yesterdays Proceedings are read.

On the report of the Committee of Agrievances about Jurors allowances,

p. 44 Resolved the Jurors be allowed for their Itinerant Charges and Attendance in the same Manner as allowances to Evidences Summoned To attend the Provincial Court are to be paid by the publick.

And That a Bill be prepared for that purpose

Col Tilghman from the Upper House Delivers M^r Speaker the Bill for regulating Amerciam^{ts} &c^a thus Endorst Viz.

By the Upp^r House of Assembly 8^{ber} 24th 1722

This Bill being read wee find the Last Enacting Clause will Erect such an Arbitrary Judicature as is intirely unknown to our Laws and which may hereafter be the source of innumerable evils to the People by Creating Tedious Disputes between the Courts and the Lawyers to the great Delay of business, without that Clause the Bill will pass.

Signd p ord^r Sam^l Skippon Cl. up. ho.

Bill to enable James Lloyd & Anne his Wife and Deborah Pemberton surviving Executors of Robert Grundy Dece^d to Convey the Lands and Water Mill therein menconed according to the sales thereof made by the Dece^d in his Life Time, was read the first & Second Times by Especial ord^r and past, which was so endorst and sent to the upp^r House, by M^r Sherwood & M^r Oldham

They return & say they Delivered it

M^r Stoddert from the Committee of Laws, Returns the following report on Maj^r Sewall's Petition Viz:

By the Comittee of Laws 24th 8^{ber} 1722.

Upon Enquiry into the truth of the Allegacons Contained in M^r Nicholas Sewall's Peticon,

p. 45 We find that s^d Sewalls grants of the Land called Darby Three Thousand Acres, were prior to the Grant to the Indians Likewise that the Land called Indian Neck is included within the Indians Bounds. But we Can't find any Other proof or Certainty for the bounds of Darby than what may be gathered from the Deposicon of Isaac Nicholls to a place Called Oyster shell Point where we have Mark't in the Plat at O, The Validity of which is referred to the House.

We find that from the Mark in the Plat at O, the first L. H. J. Course and Distance of Darby will Very near Answer to the Mouth of Secretary's Creek as Described in the Plat and According to that, Indian Neck for the most part will be Included in Darby. And then there will be about two thousand Six hundred Acres in the whole besides water of Darby, and the Indian Neck included within the Indian bounds, as to the Quality of the Land (if found as above) we referr to the Information that Severall Members Can Give to the House.

Wee find by the Information of the Comissioners Impowered to Examine Evidences by Virtue of a Comission out of the high Court of Chancery concerning the bounds of the above Mencōned Lands that M^r Peter Taylor who was Supposed and we Verily believe to be a Material Evidence thereto Absolutely refused being Sworn before the Com^rs to declare his knowledge in the premisses.

All which Matters as above are Submitted to the Consideracon of the House.

Sign^d p Order. Vachel Denton Cl. Com:

On Reading whereof and hearing the Allegacons of Maj^r Sewall thereon,

Resolved that he be Allow'd Thirty Thousand pounds of Tobacco to be p^d by the Publick for Six hundred Acres of Land called Indian Neck Included within the Indians Bounds and five hundred pounds of Tobacco for his Charges thereon.

And as to Darby the further Consideration thereof is referred till next Sessions and ordered that the said Peter Taylor appear here next Sessions to Declare his Knowledge in the Premisses to this House.

Coll: Holland from the Upper House Delivers M^r Speaker p. 46 the further Supplementary Bill to the Act for the better Administration of Justice in Testamentary Affairs wth the following Message Viz:

By the Upper House of Assembly 8^{ber} the 24th 1722.
Gentlemen.

This Bill Intituled a further Supplementary Act to the Act for the better admⁿcon of Justice in Testamentary Affairs &c^e being read will pass with the foll^o Additions Viz: In the second Paragraph the second Line of that Paragraph after the words (Debt Due as af^d) the words (from any Other Executor or administrator) and in the Last Paragraph in the second Line of that paragraph after the Words (Sufficient

L. H. J. Sureties) The Words (such as the Several County Courts, who are hereby empowered and directed to take the same shall Approve of)

Signed p Order. Sam^l Skippon Cl Upp^r Ho.

Which Bill was Amended Accordingly and past for Engrossing

Coll: Young from the Upp^r House Delivers M^r Speaker the Bill to enable James Lloyd and Anne his wife and Deborah Pemberton to make Over Lands sold by Rob^t Grundy in his Life time thus Endorst Viz:

By the Upp^r House of Assembly 8^{ber} the 24th 1722
Read and will pass.

Signed p Order S: Skippon, Cl. Upp. Ho.

Which was read again and past for Engrossing.

Coll: Addison from the upper House Delivers M^r Speaker the following Message Viz.

By the Upp^r House of Assembly 8^{ber} 24th 1722.

Gent. In Answer to Your Message Yesterday by Major Harrison and M^r Whittington this House does Appoint Col^o Samuel Young a Member thereof to join with M^r Robert Tyler and Jno Beale Esq^r (Appointed by yo^r House) to Agree with proper Workmen for the Necessary repairs of the Publick Goal at Annapolis at Such Time and place as they shall think fit after this Sessions.

p. 47 Sign^d p Order. Sam^l Skippon Cl. Up^r Ho.

Philemon Lloyd Esq^r from the Upp^r House Delivers M^r Speaker the Petⁿ of Eliza and Thomas Guibert complaining of the Late Land Comiss^{rs} in Saint Maries County thus Endorst Viz:

By the Upper house of Assembly Oct^r the 24th 1722.

Upon Deliberate Consideracon of the within Pet^o and Plat, it is obvious to us that the Pet^{rs} have Manifest Injustice done them; and for that wee Apprehend the Land Comm^{rs} had not a power by Law to Ascertaine the bounds of Land Convey'd by Deed out of an Original Tract, we Earnestly

Recomend this particular case to your Consideracon for L. H. J. relief.

Signed p Order S: Skippon Cl Up. Ho.

On Reading the explanatory Tobacco Law the Question was put whether a Vote shalbe put or not.

It past in the Affirmative.

Then the Question was put whether the Law shalbe amended or not.

Carried in the Affirmative.

The House Adjourns till to Morrow Morning Nine a Clock.

Thursday 8^{ber} the 25th 1721

The House meets according to Adjournment.

Yesterdays proceedings are Read.

On the Motion of M^r Nath^l Hopkins on behalf of M^r Tho: Purnell who is Very sick,

Leave [is given] to the said Purnell and Hopkins to go home.

M^r Edw^d Wright being very sick has the Leave of the House to go home.

On Debating the Tobacco Law,

The second Paragraph about the time of planting to be repealed.

The Question was put whether that part of the fifth paragraph as to Sow'd Hills shalbe repealed or not. Carried in the Affirmative.

The Question was put whether that part of the Paragraph as to Suckers shalbe repealed or not.

Carried in the Negative.

The Question was put whether the receivers shall be upon Oath or not. p. 48

It past in the Negative and Resolved Nemine Contradicente that it is for the good of the Country that freighters be restrained from Shipping bad Tobacco.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the Pet^o of W^m Anglin thus Endorst Viz:

By the Governour and Council

October the 25th 1722.

This Peticon being read is referred to the Considⁿ of the Generall Assembly.

Signed p Order. S: Skippon Cl Up. ho

L. H. J. By the Upp^r House of Assembly 8^{ber} the 25th 1722.

This Pet^o recomended to the Consideracon of this present Generall Assembly by the Gov^r and Councill being read is referred to the Consideracon of the Lower House

Signed p Order. S. Skippon Cl Upp. Ho.

Which was read and rejected

The Petition of Sundry Inhabitants of Dorchester County complaining of their Elections was read but the Petition coming in Late and the Sherr: of Dorchester County who Attended here the first week of this Sessions is now gone home, The same is referred till next Sessions and Ordered that the Sherriff of Dorchester County as well as the petitioners attend here next Sessions.

Maj^r Nicholas Sewall Appears in the House and Acknowledges himself ready and Willing to execute a Deed for the Releasing his Right and Title to the Six hundred Acres of Land called the Indian Neck at any time when required and thereupon the following Message is prepared Viz:

By the Low^r House of Assembly 8^{ber} the 25th 1722.

May it Please Your Hon^{rs}

Wee have heard the Allegacons of Maj^r Nich^o Sewall in Relation to the Land called Darby and Indian Neck Supposed to be included with in the bounds of the Indians Land and at present find that only six hundred Acres called Indian Neck is proved to be with in the Indians Lands for which we have agreed wth the s^d Maj^r Sewall to allow him Thirty Thousand
p. 49 pounds of Tobacco and to pay him five hundred pounds of Tobacco more for his Charges thereon, That the said Maj^r Sewall is willing and ready upon the paying or Securing the payment of the Tobacco to Execute a release for the same to the Publick with which wee hope yo^r Honours will concurr and with the payment of the Tobacco.

Signed p Order. M. Jenifer Cl Lo. Ho

Which were sent to the Upper house by M^r Benj^a Mackall & Capt Hooper.

They return & say They Delivered it.

M^r Sherwood & M^r Wright Added to the Com̄ittee of Elections & previledges.

Proposed by a Member and

Resolved by the House that the Members that are appointed as Members of the Com̄ittee of Aggrievances have likewise the Character of a Comittee for Courts of Justice, and That

that Character and the Duty of such Committee be Annexed L. H. J. to the said Committee of Agrievances as a Standing part of their Duty.

And that it be an Instruction to the s^d Committee as a Committee of Courts of Justice that they observe the Nature of all the Comissions of the Severall Courts of Judicature within this province and that they Especially observe any Alteracons that may at Any Time happen by Accidentall Omissions or Otherwise therein and particularly relating to such Words therein as require the Severall Judges and Justices to hear Try & Determine According to the Laws Statutes Ordinances and reasonable Customs of England and of this province, or to such other words as have relation thereto and that they shall immediately make a report to the House of any alteracons that shall at any Time happen in Such Commission and likewise to have regard as near as may be to observe wherein they Differ from the Terms of the Severall Sorts of Commission to the Judges and Justices in England.

Likewise resolved that it be an Instrucion to the s^d Committee to Inspect the forms of the Oaths of Office that have been and now are usually taken by the Severall Magistrates and that In Case the following Clause be not incerted In the s^d Oath p. 50 it be reported to the House such Clause being Agreeable to the Oath taken by the Judges in England and resolved to be Necessary here &c^a:

“To Do equall Law and right to all the Kings Subjects
“rich and poor and not to delay any person of Common right
“for the Letters of the King the L^d Proprietary or of any
“other or for any other Cause But if any such L^{res} come to
“them they shall proceed to do the Law the Same Letters
“Notwithstanding.

And that a Copy of these Resolves be made and Given to the said Committee when they first go out every Sessions and that making and giving such Copies be the Undoubted duty of the Clerke of this House and within the purview of his Oath.

Resolved Alsoe that this Province is not under the Circumstance of a Conquered Country, That if it were the Present Christian Inhabitants thereof would be in the Circumstance not of the Conquered but of the Conquerors, It being a Collony of the English Nation encouraged by the Crown to Transplant themselves hither for the Sake of Improving and enlarging its Dominions which by the blessing of God upon their Endeavours at their Own Expence and Labour has been in great Measure obtained and tis Unanimously Re-

L. H. J. solved that whoever shall Advance that his Majesty's Subjects by such their endeavours and Success have forfeited any part of their English Liberties are ill wishers to the Country and Mistake its happy Constitucon

Resolved Also that if there be any pretence of Conquest it can be only Supposed against the Native Indian Infidells which Supposition cannot be admitted because the Christian Inhabitants purchased great part of the Land they at first took up from the Indians as well as from the Lord Prop^r and have ever Since Continued in An Amicable Course of Trade with them Except some Partiall Outrages and Skirmishes which
 p. 51 never amounted to a Generall Warr much less to a generall Conquest, The Indians yet Injoying their rights and priviledges of Treaties and Trade with the English of whom we frequently purchase their rights of such Lands as we take up as well as of the Lord Prop^r.

Resolved further That this province hath allwaies hitherto had the Common Law and such General Statutes of England as are not restrained by words of Locall Limitation in them and such Acts of Assembly as were made in the Province to Suite its particular Constitucon as the rule and Standard of Government and Judicature, such Statutes and Acts of Assembly being Subject to the like rules of Common Law or Equitable Construction as are used by the Judges in construing Statutes in England which happy rules have by his Majesty and his Royall Ancesters And Also by his L^{pp} and his Noble Ancesters or Some of them been hitherto Approved by having the Comissions of Judicature to include Directions of that Nature to the Severall Judiciall Magistrates unless those Words have at any Time been Casually or Carelessly omitted by the Officers in this Province that drew such Comissions That therefore whoever shall Advise his Lordship or his Successors to Govern by any other rules of Government are evill Counsellors ill wishers to his L^{pp} and to Our present happy Constitucon and intend thereby to infringe our English Liberties and to frustrate in great Measure the Intent of the Crown by the Originall grant of this Province to the Lord Proprietary

Resolved further that the foregoing resolutions of the House are not occasioned by any Apprehension that the L^d Prop^r has ever Infringed or ever had any Intention to infringe the Liberties or priviledges of the People or to Govern otherwise than According to the useage and Custom of the Country since the first Settlement thereof but Meerly to assert their rights and Liberties and to Transmit their sense thereof and of the nature of their Constitucon to Posterity without the least Designe of reflecting upon any person Whatsoever.

No. 4 An Engrost Bill to Confirm Lands Devised to the use of Churches. L. H. J.
p. 52

5 An Engrost Bill to Regulate Prosecution in Criminal Cases.

6. An Engrost Bill for the Amendment of the Law and the Speedier Advancement of Justice in relacon to the Assessing of Damages.

7. An Engrost Bill for Continuing all Causes in the high Court of Appeals from the Court that was Appointed to be held in July 1722 for the Time therein Mencōned.

8 An Engrost Bill for preventing the Destroying of boundaries or bounded Trees and the bounding of Trees or Setting up boundaries without Lawfull Authority.

9. An Engrost Bill to Enable James Lloyd and Anne his Wife and Deborah Pemberton Surviving Executors of Robert Grundy Decēd to Convey the Lands and Water mill therein Mencōned According to the Sales thereof made by the Decēd in his Life Time.

All which Bills Aforemencōned were Severally read and Assented to and being so endorst were sent to the upp^r House by Capt Harrison and M^r Traverse.

They return and say they Delivered them.

Coll: Holland from the Upper House Delivers M^r Speaker the foll^o Message Viz:

By the Upper House of Assembly Octob^r the 25th 1722.

Gentlemen

The Indians upon the Eastern Shore having made frequent Complaints to the Gov^r and Councill of the many Injuries done them either by purchases made of their Land when in Drink or of Incroachments made by the English into their Bounds, and of such persons alsoe who, having entered upon their Lands by Consent, and upon Condicons of paying rent therefore, have not Complied therewith so that the Indians on the One hand are Cheated of their rents and on the other hand with the Loss of their Lands: The first of which gives p. 53 a great deal of Unnecessary trouble to this Government, as the other will lay us under a Necessity of Purchasing more Lands for them to make Corn upon, for prevention whereof and for Discouraging for the future, the Many Quarrells and Differences that have daily arisen thereon; it is recomended unto yo^r House to prepare a Short Bill to Oblidge all such English People as are seated upon their Lands to pay the rents Contracted for; That no English man for the future

L. H. J. be allowed to lease Lands from them for more than Seven Years nor any Lease or Leases already made to inure Longer than the Term of Seven Years aforesaid and lastly to make void all Sales by them Already made since November last as well as such as shall be made for the Time to come with a Provisoe to make good and Valid such Sales as have been Already made Since November afores^d or shalbe hereafter made to the English of Lands lying upon the back of the Chop-tank Tract, and heretofore Laid out by Warrants from the Land office of this Province.

Sign^d 7 Ord^r S. Skippon Cl Up. H^o

The House Adjourns till to Morrow Morning Nine of the Clock

Fryday October the 26th 1722

The House meets According to Adjournment

Yesterdays proceedings are read.

On Debating the Tobacco Law

The Question was put whether a Vote shalbe put that the ffreighters shalbe restrained from Shipping badd Tobacco by Oath or View at their Election or not, or by Oath only or not.

Resolved that the Vote shalbe whether the Freighters shalbe restrained by oath or view at their Election or not.

Thereupon the Vote was put Accordingly, And

Carried in the Affirmative by the Majority of Voices.

The Petition of Tho Paget of Prince Georges County and of Susannah Thomas of Cha County and the representacon of Sam^{ll} Gover of Ann Arrundell County Complaining of the Hardships they have Suffered by the Late Tobacco Law, were read and Resolved that a Bill be brought in to releive them.

A Bill to enable Thomas Dent of Charles County to Sell a Tract of Entailed Land in Prince Geo: County Called Locust Thicket and for entailing other Lands in Charles County in Lieu thereof,

Was read the first and Second Times by Especiall Order and past which was so endorst, and Sent to the Upper House by Mess^{rs} Read And Pritchett. They return & say They Delivered it.

The House Adjourns till to Morrow Morning Nine of the Clock.

Saturday October the 27th 1722

L. H. J.

The House meets According to Adjournm^t.

Yesterdays Proceedings are read.

Coll: Tilghman from the Upper House Delivers M^r Speaker the Bill to enable Thomas Dent to Sell Lands in Prince Georges County and to entaile other Lands in Lieu thereof thus endorst.

By the upp^r House of Assembly October the 27th 1722.

Upon Reading the within Bill wee think it reasonable that Ann the wife of Tho: Dent in whom the Estate is be join'd with s^d Dent in the Sale of it, and for that wee are fully informed that the said Anne has a right to part of the Tract only by her Fathers Donation we are of Opinion that the Law should relate to that part of the Tract only which belonged to her by Virtue of her ffathers Deed of Gift. But as to that Clause of the Act relateing to the Mortgage Since we are not Satisfied Concerning the Validity thereof and know not but that it may be made by Collusion and with Design to p. 55 Defeat his Creditours of their Just Debts, we cannot till we are Satisfied therein consent that the Bill should Pass.

Sign^d p Order Sam^l Skippon Cl. Up^r H^o

Which being read The party bringing in the Bill is referred to the Upper House to make good his Allegations before them and to Amend the Bill.

Coll Ward from the Upp^r House Delivers M^r Speaker the Peticon of Michael Piper desiring to have the Liberty of Printing the Laws thus endorst.

By the Upp^r House of Assembly 8^{ber} 27th 1722

We look upon the proposalls of the within Pet^r to be very Serviceable to the Publick and therefore recomend them to the Consideracon of yo^r House

Signed p Order. Sam^l Skippon Cl. Up. Ho.

Which was read and Granted as to the generall Petition of Printing the Laws for the future.

A Bill for the better relief of Debtors was amended and read wth the Amendments & past which was so Endorst and Sent to the Upp^r house by Coll: Mackall and five others.

They return and Say they Delivered it.

L. H. J. A Bill for Continuing Process in Baltimore Co^{ty} Court was read the first & second Times by Especiall Order and past which was so endorst and sent to the Upper House by M^r Tolley and M^r Taylor

They return and say they Delivered it.

James Bowles Esq^r from the Upp^r House Delivers M^r Speaker the Bill for Continuing Process in Baltimore County Court thus endorst.

By the Upp^r House of Assembly. 8^{ber} the 27th 1722.
Read and will pass.

Signed p Order. S. Skippon Cl. Up^r Ho.

Which was read again and Past for engrossing.

A further Supplementary engrost Bill to the Act for better Administration of Justice in Testamentary Affairs was read and Assented to and was so endorst and Sent to the Upper
p. 56 House by M^r King & M^r Hudson.

They return and say they Delivered it.

Coll: Mackall from the Committee of Elections and Priviledges returns the foll^o report viz:

By the Co^mmittee of Elections and Priviledges

October the 27th 1722.

On Reading the Petition of the Mayor Recorder and Aldermen of the City of Annapolis complaining of the undue Election of M^r Tho. Humphreys to Serve as a Member of the said City and On hearing the Allegacons of both partys

We find him duely Elected and Qualifyed at the Time of his Election but since his Election has Accepted of the place of Navall Officer for the District of Patuxent which is humbly Submitted to the Consideracon of this House

Signed p Order. Edw^d Griffith Clk Comitee.

Which was read and referred till Monday Morning.

The House Adjourns till Monday Morning Nine of the Clock.

Monday October the 29th 1722

The House meets According to Adjournment
Saturdays Proceedings are Read.

M^r Benjamin Mackall being Sick, on his Motion has the leave of this House to go home.

The Bill for regulating Amerciaments &c. was read with L.H.J. the Amendments and Ordered to be thus endorst Viz:

By the Low^r House of Assembly 8^{ber} the 29th 1722.

We have Amended the within Bill so as that we hope it will be Agreeable to yo^r Message and that it will pass in your House.

Signed p Order. M. Jenifer Cl. L^o Ho.

Which was sent to the Upp^r House by M^r Lloyd and M^r p. 57 Crabb. They return & Say they delivered it.

A Supplementary Bill to the Act for repairing the Publick records &c: was Read the first and Second Times by Especiall Order and past, which being so endorst was sent to the Upper House by M^r Beale and Capt. Hooper.

They return and say they delivered it.

On the Reference from the Comitte of Elections and priviledges as to the Election of M^r Humphreys for the City of Annapolis,

Resolved That this House will not make a Presedent of M^r Humphreys but that for the future any person Chosen to Serve as a member Delegate or Burgess that shall after such his Election accept of any office or Pension from or under the Government shall (According to the practice of the British Parliament) be incapable to sit or serve as a Member in this House by Virtue of such Election.

Coll: Young from the Upp^r House Delivers M^r Speaker the Bill for the better relief of poor Debtors with the following Message Viz:

By the Upper House of Assembly 8^{ber} the 29th 1722.

Gent.

This Bill being Read wee observe that the Amendment is made so as to leave it a Doubt whether a Debtor may not Tender the Severall Comodities mencōned in the Bill before he is Imprison'd by the Creditour which is a point we insisted on, and you Conceeded to that Tenders should not be made before Imprisonment wherefore wee desire that you will form the Bill Accordingly otherwise we may be Justly reproacht with partiality to the Officers who are upon a Much better foot than other Creditours, as the Bill now stands which was never our intention, nor have you made any exception of p. 58 Publick Levies and the forty p poll nor of any forreign Trader except only such as Trade from great Brittain hither.

Signed p Order. Sam^l Skippon, Cl Upper Ho.

L. H. J. Whereupon the Bill is Committed for Amendm^t

Philemon Lloyd Esq^r from the Upper House Delivers M^r Speaker the Bill for regulating Amerciaments thus endorst Viz.

By the Upper House of Assembly 8^{ber} the 29th 1722
Read with the Amendments and will pass.

Signed p Order. Sam^l Skippon Cl Up^r Ho.

Which was read againe and past for Engrossing.

On reading the Tobacco Law,

The Question was put whether the fine on Freighters Shipping Tobacco without Swearing to it or having it View'd shalbe Six hundred pounds of Tobacco or not? Carried in the Negative.

Then the Question was put whether the fine shalbe four hundred or not.

Carried in the Affirmative.

A Supplementary Bill [to the Act to prevent makeing trashey Tobacco was read the first time and Ordered to Lye on the table.

An Engrost bill] for Continuing Process in Baltemore County Court, was read and Assented [to] and was so endorst and sent to the upper house by M^r Tolley and M^r Hamilton.

They return and say they Delivered it.

The House Adjourns till to Morrow Morning Nine of the Clock.

Tuesday October the 30th 1722

The House meets According to Adjournment.

Yesterdays proceedings are Read.

The Bill for the better relief of poor Debtors was read with the Amendments And ordered to be thus endorst Viz.

By the Lower House of Assembly October the 30th 1722

Your House proposing many Alteracons in the Bill for the better Relief of Poor Debtors we thought it more eligible
p. 59 to have one wholly Transcribed than to Send up the old Bill to your Honours with the many blots and Interlineations that could not be Avoided and we hope that the Bill as it now stands wilbe Agreeable to yo^r Honours.

Signed p Order M Jenifer Cl. Lo. H^o

And was sent to the Upp^r House by Coll Lloyd and five L. H. J. Others. They return and say they delivered it.

On a Motion being made by the Com^{it}tee of Acc^{ts}

The Question was put whether the Ordinary Keepers that entertained the Indians shalbe Allowed two thirds of their Charge or one Third only.

Resolved that one third only be allowed 'em.

The Peticon of Tho and Elizabeth Guibert is referred to next Sessions and Ordered that all parties concerned have Notice to Attend then if they think fit.

On the Motion of Tho Bordley Esq^r That Something may be done on the Peticon of him the said Bordley & Tho Larkin Gent. referred from Last Sessions the further Consideracon thereof is referred till next Sessions.

Coll: Tilghman with Two others from the Upp^r Ho Delivers M^r Speaker the Bill for the better relief of poor Debtors thus endorst Viz:

By the Upper House of Assembly 8^{ber} the 30th 1722

Read and will pass.

Signed p Order S: Skippon Cl. Up. House.

Which was read againe and past for Engrossing.

James Bowles Esq^r from the Upp^r House Delivers M^r Speaker the Supplementary Bill to the Act for Repareing the publick records thus endorst, Viz.

By the Upper House of Assembly October the 30th 1722

The Commissioners being impowered by the former Law to agree wth proper persons to repair the records in Tobacco only and the price of Tobacco being Uncertaine and the place of payment precarious no one would agree with them for that Comodity but at extravagant rates, which is the true reason that the records are not yet repaired. Therefore we propose to your House that a Clause be Added in the Bill empowering the Commissioners to agree with Proper Persons either in Money or Tobacco with which Addition the Bill will pass. p. 60

Signed p Order. Sam^l Skippon Cl. Up. Ho.

Thereupon the Bill is comitted for Amendment which is Accordingly Amended and past for Engrossing.

On Reading the Supplementary Bill to the Act to prevent Making Trashey Tobacco,

L. H. J. The Question was put whether a Time for planting shalbe Limited or not. Carried in the Negative.

Then the Question was put whether the fine on bad Tobacco shalbe pound for pound or Two hundred pounds of Tobacco p hogshead

Resolved that it be Two hundred pounds of tobacco p hogshead.

Whereupon the Bill being read the first & Second times by especiall Order was past and was so endorst and Sent to the upper House by M^r Stoddert and five Others.

They return and say they Delivered it.

An Engrost Bill for regulating Amerciaments was read and Assented to and being so endorst was sent to the Upper House by Capt. Hooper and M^r Traverse

They return and say they Delivered it.

The Journall of the Committee of Accounts brought down from that Committee was read and Assented to and was so endorst and sent to the upper house by the Gent. Appointed

They return and say they Delivered it.

M^r Philip Kennard on his Motion has the leave of the House to go Home his Family being very ill.

The petition of Joseph Gough,

The Petition of Susannah Mitchell and the Peticon of William Pain were Severally read and rejected.

p. 61 On reading the Peticon of Michael Piper,

Resolved that he be printer to this House and that this House will give him all reasonable encouragement from time to time so far as may be consistent with the Justice thereof.

The House Adjourns till to Morrow Morning Nine of the Clock.

Wednesday October the 31st 1722

The House meets According to Adjournment

Yesterdays Proceedings are Read.

On M^r Richard Young the late Gate Keeper his refusall longer to serve in that Office on the Termes proposed, Tho: Jobson is appointed Gate Keeper who is willing to accept thereof after this Sessions.

Thereupon the Question was put whether the usuall Profitts appendant to the office as well as that of Sergeant Attendant to this House shalbe given to the said Jobson or not.

Carried in the Affirmative,

And Ordered that the said Jobson Get the Towne Gates and ffences repaired and made good at the Publick Charge,

And That afterwards he give Security for the due and well L. H. J. executing that office &c^a before the Gent Appointed to View the prison

The foll^o Message being prepared Viz:

By the Low^r House of Assembly 8^{ber} the 31st 1722.

May it Please your Honours

On Considering Your Message of the 13th Instant by Coll: Young relating to the Money now in his hands Arising by the Twenty Shillings p Poll on Negroes for the use of free Schools have resolved that Coll: John Mackall Tho: Bordley Esq^r M^r Robert Tyler M^r James Lloyd Coll: John Ward and M^r Robert King be a Comitte^e to join with such Members of yo^r House as shalbe Appointed to Conferr of such Measures p. 62 as may be thought necessary to the applying of all such Money ariseing by that Duty now in the hands of the Treasurers of the Western and eastern Shore to the intent for which the same was raised who are ready to Attend at Such Times as your Honours shall propose.

Signed p Order. M. Jenifer Cl L^o Ho.

Was sent to the upper House by the Gentlemen Appointed.

They return & say They Delivered it.

Ordered that the Copy of the Severall resolves of the 25th Instant be made out which was Accordingly Done and sent to the upper House by Coll: Lloyd and M^r Humphreys with the following Message Viz:

By the Low^r House of Assembly 8^{ber} the 31st 1722.

May it please your Hon^{rs}

This House having made the Severall Resolves herewith sent have thought fit to Communicate them to your Honours

Sign^d p Order M. Jenifer Cl. L^o H^o

They return and say they Delivered them.

An Engrost Bill for the better relief of poor Debtors was read and Assented to and was so endorst and Sent to the Upper House by M^r Waughop and M^r Sherwood. They ret^d and say they Delivered it.

A Bill for the Ease of the Inhabitants in Examining Evidences relating to the Bounds of Lands and in the Manner of obtaining Injunctions was read the first and second Times by Especial order and past which was so endorst and sent to the upper House, by M^r Tyler and Three others.

L. H. J. They return and Say they Delivered it

Coll: Holland from the Upper House Delivers M^r Speaker the following Message Viz:

By the upp^r House of Assembly 8^{ber} the 31st 1722

Gent

p. 63 In Answer to yo^r Message of the 25th Instant by M^r Benja^a Mackall and Cap^t Hooper we think it proper to put you in mind of the priviledges of our House which is invested with a right & equall share of power in raising and Appropriating the publick Money and if it would not Consume too much of our Time at present, should lay before you the evil consequences of making such possitive Agreements as yo^r House has lately done wth Major Sewall with out having first Conferred with our House Thereupon in a Parliamentary way by which means we seem to be excluded [of] our Right of Judging of the Equity and Justice of the Severall sums to be Levied on the people which practice we hope you will Carefully avoid for the future.

As to what relates to the Vallue of the Land or to the Execucon of any release therefore to the publick by Major Sewall, we do not conceive the said Sewall to have any such right to that Land as will Qualifie him for the making any such release thereof nor Entitle him to so great a price as Thirty Thousand pounds of Tobacco Agreed for by your House. We therefore propose that Three Thousand pounds of Tobacco p hundred Acres together with five hundred pounds of Tobacco Charges thereon be allow'd to the s^d Sewall for such Right as his Ancesters formerly had unto the s^d Land before they were Estoped therein by the Act for the Continuance of Peace with and protection of our Neighbours and Confederate Indians in Choptank River Viz: That all that Land Lying and being on the South side of Choptank River &c^a shalbe unto the said Ababco Hatsawap & Tequasimo and the people under their Government or Charge and their Heirs for ever any Law usage Custom or Grant to the Contrary hereof in any wise Notwithstanding.

Sign^d p Ord^r S: Skippon Cl Up. Ho.

Coll: Ward from the upper House Delivers M^r Speaker the following Message Viz:

By the upp^r House of Assembly Octo^r the 31st 1722

Gentlemen.

In Answer to your Message this Day by Col: Mackall and five others This House does Appoint Coll: Mathew Tilghman

Ward one of their Members (The House being thin) to L. H. J. Conferr with the Committee Appointed by your House concerning the Matters therein proposed who is now ready to enter p. 64 thereon

Signed p Order Sam^l Skippon Cl up^r Ho.

A Bill for the relief of such persons as have Suffered by the Misconception of the Laws heretofore made to regulate the Making Tobacco.

Was read the first and Second Times by Especial Order and past which was so Endorst, and sent to the upp^r House by M^r Crabb and M^r Wallis.

They return and say they delivered it.

The following Message being prepared Viz:

By the Lower House of Assembly October the 31st 1722.

May it please your Honours

We are very Sensible of the priveledges of your House and the power invested In your Honours in Raising and Applying the Publick Money, and never had the least Intention of invading or Infringing either, or to make any positive Agreement with Major Sewall or any person whatsoever on behalf of the Publick Exclusive of your Honours But as the papers lay before our House we thought it would contribute to the Dispatch of Business to come to Terms with Maj^r Sewall as soon as posible and to Inform yo^r Hon^{rs} of our Proceedings for your Concurrence or Alteracon which we did with all the Speed That could be and while Maj^r Sewall was in Town.

And as to the payment of 30000th Tobacco for Indian Neck it Appeared to our House That Major Sewall could have had the same price from other people was the Land clear of its publick Incumberances and conceive it inconsistent with the rules of Justice to oblige a man to take less for Land, That is taken from him for the publick good Than he might sell it for to his Neighbours therefore conceive if Maj^r Sewall has a right to the land (which we think has been granted) That he ought to have the Vallue of it, if he has no right that he Ought to have nothing.

Signed p Order M. Jenifer Cl. Lo Ho.

Which was sent to the Upper House by M^r Humphreys p. 65 and M^r Elliot. They return and say they delivered it.

A Bill to Prohibit the Clandestine runing of Tobacco into any of the neighbouring Collonies was read the first and second Times by Especial order and past which was so endorst

L. H. J. and sent to the Upper House by Cap^t Harrison and Three more. They ret and Say they Delivered it.

A Bill Directing how fines shalbe Adjudged against such as Neglect to Appear at Musters was read the first and second times by especial Ord^r & past which was so endorst and sent to the Upper House by Coll: Watts and Cap^t Hudson. They return & say they Delivered it.

The following Message on M^r Pipers Peticon being prepared Viz.

By the Low^r House of Assembly October the 31st 1722.

May it Please your Honours

We have Considered M^r Pipers peticon and Agree That the proposalls wilbe of Service to the Publick and therefore are willing to give him all reasonable encouragement from Time to Time so farr as will be consistent with the Justice of this House and that he have the liberty of printing the Acts of this province that shalbe made for the future, for the use of the publick with which we desire the Concurrence of your Honours.

Signed p Order M. Jenifer Cl. Lo Ho.

Was sent to the upp^r House by M^r Sherwood and M^r Dunn

They return and say they delivered it.

Coll^o Young from the Upp^r House Delivers M^r Speaker The Supplementary Bill to the Act to prevent making Trashy Tobacco, Thus Endorst, viz.

By the upper House of Assembly Octob^r the 31st 1722.

Gent. Upon reading the within Bill We are of Opinion that the repealing of the Two paragraphs in the Act for preventing the making of Trashy Tobacco and in that other Act explanatory thereof, wherein certain fines are imposed on the makers of trashy Tobacco, and in lieu thereof imposing a severe fine with other Discouragements upon such persons as shall be assiduous in discovering all unqualified Tobacco, will render the good Intention of the makers of the former Acts ineffectuall, and wholly defeat the Legislature in their provident Endeavours for the Improvement of the Staple of Tobacco so necessary to the Common Weal of this Province for which Reasons this Bill will not pass.

Signd p Order Sam Skippon Cl Up House.

Thursday Nov^r the 1st 1722

L. H. J.

The House meets According to adjournment

Yesterdays proceedings are read.

Coll: Addison from the upper House delivers M^r Speaker
the Journal of the Committee of Accounts Thus endorst Viz:

By the [Upper] House of Assembly. 9^{ber} the 1st 1722.

Read and Assented to by the [Upper] House of Assembly
and

Signed p order. S: Skippon Cl. Upp^r Ho

Resolved that the Gent of the Committee of Acc^{ts} and Cap^t
Joseph Harrison be a Committee wth such Members of the
Upper House as shalbe by them Appointed to Apporcon the
Publick Levy and thereupon the following Message is sent
to the upper house by M^r Joseph Hill and the Gent Appointed
Viz:

By the Lower House of Assembly. 9^{ber} the 1st 1722.

May it Please your Honors

This House propose as a Method for Saving the Charge of
a Particular Meeting of a Committee for Laying the Publick
Levy that it be done During the Sitting of this Sessions, and
for that Purpose have Appointed M^r Joseph Hill, John Beale
Esq^r Coll. John Ward M^r Thomas Gant & Cap^t Joseph Harri-
son of our House as Co^mitte to be Joynd with such Members
of yo^r House as shalbe by your Honours Appointed to Proceed
Immediately on that Affair and Desire yo^r hon^{rs} Concurrence
therewith.

Signed p Order. M. Jenifer Cl. L^o Ho.

Which was sent to the upper House by M^r Joseph Hill and
the Gent Appointed.

They return and say they delivered it.

Resolved that M^r Piper be allowed £5 Curr^t money for his
Encouragement in Collecting and making Marginall notes
and an Index to a Second Volumn of the Laws for the press,
To the Laws that have been made Since the Assembly in
April 1718 That they may be printed as a 2^d Volumn of the
Laws of this Province.

Coll: Tilghman from the upper House delivers M^r Speaker

L. H. J. a Bill for relief of such as have Suffered by the Tobacco Law
p. 67 thus Endorst Viz:

By the upper House of Assembly Nov^r the 1st 1722.
Gent.

Had this Bill been to relieve some particular person or persons that may have been Oppressed by a Misconcepcion of the Laws for regulating the making of Tobacco we should readily have concurred with you in concerting proper Measures to redress them but it being generally to stay all execucons that have been Awarded against any person or persons who shall conceive him or themselves Aggrieved by such Execucon untill heard & Determined by the County Court, we are of Opinion that it will not only Countenance loud Clamours where there is no Just Cause for Complaint but likewise give a handle for Applicacons of the same nature to future Assemblies and thereby discourage all psons from putting those Laws in Execucon which if rightly understood and duly Executed will in all Likelyhood be of great Service to the Trade of this province and therefore Can't consent to pass this Bill.

Signed p Order. Sam. Skippon Cl. Up^r Ho.

Thereupon the Bill is Comitted for Amendment.

Philemon Lloyd Esq^r from the upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly Nov^r the 1st 1722
Gentlemen

In Answer to your Message this Day by M^r Joseph Hill and Three others this House [have] appointed Esq^r Lloyd to Joyn with the Comittee appointed by your House for Laying the Publick Levy who is ready to proceed Imediately On that Affair.

Sign^d p ord^r Sam Skippon Cl: Up. H^o

James Bowles Esq^r from the Upper House Delivers M^r Speaker the following Message Viz:

By the Upp^r House of Assembly Nov^r the 1st 1722.
Gent.

His Honour the Governour in Order to Conferr with the Shuwan Indians has sent for some of the Indian Traders, who are now in Town and ready to receive such Message as

may be thought Proper we therefore desire your further L. H. J.
Answer to our Message of the 22^d of October Last

Signed p Order Sam. Skippon Cl. Up^r Ho. p. 68

[An Engrost Supplementary bill to the Act for repairing the records was Read & Assented to and was so Endorst and Sent to the Upper house by M^r Crabb & Cap^t Young. They return and say they Delivered it.]

Coll: Holland from the Upper house Delivers M^r Speaker the following Petitions Viz:

The Petition of Anne Hutton thus Endorst Viz:

By the Upper House of Assembly Nov^r the 1st 1722

The within Petitioner having entertained the Indians by order is particularly recommended to your House for relief that such An Allowance may be made her that She may not be a loser.

Sign'd p order Sam: Skippon Cl. Up. H^o

And the Petition of John Navarr thus Endorst Viz:

By the Governour and Councill Nov^r the 1st 1722

This Peticōn being read is recomended to the upper House of Assembly.

Sign'd p ord^r S. Skippon Cl. Councill

By the upper House of Assembly Nov^r 1st 1722

The Within Peticon^r having in his Peticon Confest That hee entertained the Queen of the Indians and her Attendants without orders, Yet it appearing that he has been at great Charge in entertaining them hee is recomended to yo^r House for relief that such a Sum may be Allowed him that he may not be a Loser thereby, for that if he had not Entertained them some others must (upon their application) have been Appointed by the Government to Entertain them.

Signed p Order Sam^l Skippon Clk: Up. Ho.

Coll. Young from the upper House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly Nov^r the 1st 1722.
Gentlemen

We agree with your House in your proposalls relateing to M^r Piper in Your Message Yesterday by M^r Sherwood and M^r Dunn.

Signed p Order. Sam Skippon Cl. [Up. Ho.]

L. H. J. Coll. Addison from the upper House Delivers M^r Speaker the Bill Directing how fines shall be adjudged against such as Neglect to Appear at Musters thus Endorst Viz:

By the Upp^r house of Assembly 9^{ber} the 1st 1722
Read and will pass.

Signed p Order S. Skippon Clk. Upp. ho.

Thereupon the Bill past for Engrossing.

p. 69 Coll: Tilghman from the upper House delivers M^r Speaker the Bill for the ease of the Inhabitants in Examining Evidences in Perpetual Memory thus Endorst Viz:

By the upper House of Assembly Novemb^r the 1st 1722.

In regard That our House at this Time consists of Very few Members The Consideracon of this Bill is referr'd to next Sessions of Assembly.

Sign^d p Order Sam^l Skippon Cl Upp^r House

Thereupon the same is referred Accordingly.

The following Message sent to the upper House by Cap^t Hooper and M^r Hawkins Viz:

By the Lower House of Assembly Nov^r the 1st 1722.

May it Please yo^r Honours

In answer to yo^r Message of the 25th of October by Coll: Holland this House Hopeing that the Continuance of this Sessions will not be Long are willing to refer to the further Consideration of the Affairs of the Indians Lands till next Sessions but lest Anybody should be Surprized by purchasing or Leasing any Lands from the Indians in that Interval Propose the Ordinance herewith sent if yo^r Honours Concurr therewith as an Expedient therefore.

Signed p Ord^r M. Jenifer Cl. L^o H^o

[They return and say they Delivered it.]

Coll: Ward from the Upper House Delivers M^r Speaker the Bill to prevent the Clandestine runing of Tobacco into the Neighbouring Collonies thus Endorst Viz:

By the upper House of Assembly Nov^r the 1st 1722.

This Bill being read will pass with the following Amendments Viz.

1. That Liberty be Given to any person to Seize Tob^o

2. That a penalty be laid on all persons who shall resist L. H. J. or Convey away the goods so Seized.

Signed p Order Sam^l Skippon Cl up^r Ho

Thereupon the Bill was amended Accordingly and past for Engrossing.

The following Message sent to the upper House by M^r Lloyd & M^r Humphreys Viz.

By the Low^r House of Assembly Nov^r the 1st 1722

May it Please yo^r Honours

In Answer to yo^r Message of the 22^d of 8^{ber} and another of this Day as to the Shuanno Indians this House desires that his honor the Gov^r and the Council wilbe pleased to allow them such gratuities for the taking up such runaway Negroes or Slaves as they shall think meet and that yo^r Honours wilbe pleased to recomend the same to his Honour the Governour.

Signed p Order M Jenifer Cl. Lo: Ho.

Which was sent to the upper House by M^r Lloyd and M^r p. 70 Humphreys

They return & Say they Delivered it.

A Bill for the relief of Sundry poor prisoners was read the first and second times by Especial Order and past w^{ch} was so endorst and Sent to the upper House by M^r Waughop and M^r Sherwood.

They return and say they delivered it.

Bro^t into the House by Coll. Mackall the report of the Conferrees on the money now in the Treasurers hand for the use of free schoolls which is as follows Viz:

By a Conference held at the House of M^{rs} Kennedys Nov^r the 1st 1722 To Consult of proper Measures for Disposeing the money rais'd for the Erecting Schools in the Severall Counties

The Conferrees are from the upper House, The Hoñble Coll: Matthew Tilghman Ward and of the Lower House,

The { Coll. Jn ^o Mackall	M ^r Rob ^t Tyler	Coll. Jn ^o Ward
Hoñble { Tho: Bordley Esq	M ^r James Lloyd	M ^r Robert King

Upon Mature Consideracon the Conferrees report it as their Opinion,

1. That one School be Erected at some Convenient Place in every County

L. H. J. 2 That there be seven persons Appointed by Act of Assembly for every County as Visitors of the School of that County whereof the Major part to be Enabled to Act & in Case of Death or absence to Perpetuate their succession in the same Maner as is provided for the free-schooll of Annapolis and that they be a body Pollitick.

3. That such Visitors purchase some Convenient parcell of Land for the use of such School to Containe One hundred Acres of Land or thereabouts and that as near as they can
p. 71 One half thereof may be fit for a small Pasture and Cornfield and the rest for wood Land & for keeping the fenceing in repair and finding firewood But that none of that Moiety reserved for wood Land be cleared by any Master Otherwise than for the use aforesaid unless by Consent of the Visitors nor any Master be Suffered to make Tobacco thereon

4. That in case such Land have not a Convenient House for a School Master to live & Teach School in that the Visitors Provide such House but that Especial Care be taken that such Settlement be made for them at such place in each County as may be most Convenient for the boarding of Children.

5. That the Visitors take such Proper Methods to Encourage good School masters capable of Teaching Grammar and the Mathematicks if such can be Conveniently got and that they allow such Master twenty pounds p Annum for the present & take such other Measures or make such Other Agreement from Time to Time for the future as may give due Encouragement to a Master & be usefull for the Perpetuating such Schools.

6. That the Visitors meet at such Schools at least four Times in the year to inspect into and Consider the Affairs thereof.

7. That such Visitors draw on the Publick Treasur^{rs} for the sums Expended in which Treasurers hands the money shall lie to Answer their Draughts, According to their proportion and that the Visitors be impowered to dispose of the said Mony from time to time as shalbe most for the Advancement of such schools.

8. That the Visitors keep fair Accounts of their Disbursements and all other proceedings and be Subject to the Examinacon of the general Assembly for any Miscarriages and lie under 500th Tob^o fine for Delay or refusall to Execute such Trust and likewise to take the Oaths and the like Oath for the
p. 72 Executing their Office as taken by the Visitors of Annapolis Schooll.

9. That the Money already raised be Divided into twelve

equal Parts and one part thereof assigned to each County to L. H. J.
be Disposed of by the Visitors aforesaid

10. That such Visitors be Empowered to make such Rules
for the Governing & regulating the s^d schools in such Manner
as may best answer the true use and end thereof both in
respect to the Masters and Schollars.

Which was Read and referred for further Considⁿ

The House Adjourns till to Morrow Morning nine of the
Clock

Friday Nov^r 2^d 1722.

The House meets According to Adjournment

Yesterdays proceedings are read.

On Reading the Peticons of the Ordinary Keepers the
Question was put whether any further Allowance shalbe
made them or not.

It was carried in the Negative.

Thereupon the peticons are rejected.

A Bill for Limitacon of Accons of Trespass and Ejectment
was Read the first and second times by Especial Order &
past Nemine Contradicente

Which was so Endorst and sent to the upper House by M^r
Tyler and M^r Gant. They return and say they delivered it.

A Bill for the relief of some persons that have Suffered
by the Misconcepcon of the Laws heretofore made to regulate
the Makeing Tobacco was read the first and second times by
Especial order and past, which was so endorst and Sent to the
upper House by M^r Jordan & M^r Wallis. They return and
say they Delivered it.

An Engroست Bill Directing how fines shalbe adjudged ag^t
such as refuse to appear at Musters, and An Engroست Bill to
prevent the Clandestine running Tobacco into the Neighbour-
ing Collonies were Read and Assented to and were severally
so Endorst and sent to the upper House by M^r King & Cap^t
Hooper. p. 73

They return and say they delivered them.

Resolved That the Treasurer of the Eastern Shore send for
two Dozen of the best bound blank books for Record Books
of good Paper and the binding to be as well fortified as may
be for Duracon to be broad books but not above Three inches
thick within the binding and ruled for a Margin of about
two Inches broad.

L. H. J. Col^o Young with Two Others from the upper House Delivers M^r Speaker a Supplementary Bill to the Act to prevent making Trashy Tobacco prepared in that House Thus Endorst Viz:

By the Upper House of Assembly November the 2^d 1722.

Read and will Pass.

Signed p Order. Sam^l Skippon Cl [Up. Ho]

Which was read the first Time and the Question being put whether the same shall have a Second reading or not,

It was carried in the Affirmative.

Whereupon the Bill was read a second Time and the Question being put whether the same shall Pass or not

It was Carried in the Negative.

The following Message sent to the upper House by M^r Tyler and M^r Crabb Viz:

By the Lower House of Assembly Nov^r the 2^d 1722.

May it Please your Honors

This House have taken the report of the Conferrees Concerning the ffree Schools into Consideracon & Concurr therewith but as the Establishment of them upon a good foundacon is of the last Consequence to the Country we are Apprehensive there will not be time enough to Consider all Circumstances that relate to them in the Manner they deserve without Lengthening the Sessions beyond what may be at this Time Convenient for the Country or the Members of both Houses, We propose therefore the referring that Affair till next Sessions.

Sign^d p order M Jenifer Cl. L^o Ho.

p. 74 They return and say they Delivered it.

A Bill for the relief of John Macclester of Somerset County Gent. was read the first and second Times by Especial Ord. and past which was so Endorst and sent to the upper House by M^r King and M^r Whittington

They return and say they Delivered it.

James Bowles Esq^r from the Upp^r House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly Nov^r the 2^d 1722.

Gentlemen We agree with your House that the Ordinance sent with your Message Yesterday by M^r Hooper and M^r

Hawkins be an Expedient till next Sessions to prevent any L. H. J. persons from purchaseing or Leaseing Lands from the Indians.

Signed p Order. Sam. Skippon Cl. Upp. Ho.

The following Message with the peticon of the Inhabitants of Calvert County for removing their Court House was sent to the Upper House by Coll. Mackall and M^r Young, Viz.

By the Low^r House of Assembly Nov^r the 2^d 1722.

May it Please yo^r Honours

We have Considered the Peticon herewith sent and are willing that the same should be referred till next Sessions and Desire that by an Ordinance of Assembly the Sherriff of Calv^t Co^{ty} may be Ordered to give notice to the Several ffree holders of that County as in Cases of Elections that they meet at the now Court House in the said County on Thursday in the next County Court week there by Majority of Voices to Declare whether the Court house shalbe removed or not? and if to be removed to make choice of a place where to remove it and that the s^d Sherriff take the Votes and make his return thereof at the next Sessions of Assembly with which if your honours Concurr the Order may be made out Accordingly.

Signed p Order. M. Jenifer Cl. Lo Ho.

They return and Say They Delivered it.

p. 75

Coll: Holland from the upper House Delivers M^r Speaker the following Message Viz:

By the upper House of Assembly Nov^r the 2^d 1722.

Gentlemen

In answer to yo^r Message by M^r Tyler and M^r Crabb this House is of Opinion that a short Bill be bro^t in this Sessions to distribute the money now in the hands of the Treasurers of this Province into so many equall parts as by the Conferrees (with whose report this House Concurrs) is Determined and as is agreed to by yo^r House and we are rather of this opinion because the Treasurer of the Western Shore is Apprehensive of being robbed, now that it is so publicly known That he has by him so Considerable a Sum besides that to referr a thing of that Consequence to next Sessions would prevent the imediate Settling of Schools tho: extreemly wanted which yet might be in a good forwardness by next Sessions and render a great Sum of Money useless and Dead to the Province

Sign^d p Order Sam. Skippon Cl Up. Ho.

L. H. J. Coll: Young from the upper House Delivers M^r Speaker the Bill for the relief of some persons that have Suffered by the Tobacco Laws thus Endorst Viz:

By the Upp^r House of Assembly Nov^r the 2^d 1722.

This Bill will pass if instead of the Words (and by other undue prosecucons) be inserted these words (as it is represented to this Present Generall Assembly).

Sign^d p ord^r Sam. Skippon Cl. Up^r House

Which was Amended Accordingly and past for Engrossing.

Coll: Addison from the Upp^r House delivers M^r Speaker the Bill for Limitacon of Actions of Trespass and Ejectment thus Endorst.

By the Upp^r House of Assembly Nov^r the 2^d 1722

Read and will pass.

Signed p Order Sam. Skippon Cl Up. Ho.

The Supplementary Bill to the Act to prevent making Trashy Tobacco was thus Endorst Viz:

By the Lower House of Assembly Nov^r the 2^d 1722

This Bill being framed Contrary to Several former resolves
p. 76 of our House as well in respect to the Oaths as other Inconveniences therein Can't consent the same should pass.

Signed p Order. M. Jenifer Cl. Lo: Ho.

Which was sent to the upper House by M^r Tyler and five Others. They return and say they delivered it.

The House Adjourns till to Morrow Morning Nine of the Clock.

Saturday Nov^r 3^d 1722.

The House meets According to Adjournment

Yesterdays Proceeding are Read.

The following Message sent to the Upp^r House by M^r Young and M^r Oldham Viz:

By the Lower House of Assembly Nov^r the 3^d 1722.

May it Please yo^r Honours.

This House having further Considered yo^r Message of the 22^d of October by Coll: Addison as to the Tumultuous Meet-

ing of Negroes are desirous that the same should be referred L. H. J.
till next Sessions.

Signed p Order. M Jenifer Cl. Lo ho.

They return and Say they delivered it.

A Bill to Enable Thomas Dent and Anne his wife to Sell
Lands intailed in Prince Georges Co^{ty} and for Entailing other
Lands in Charles County in Lieu thereof being Amended
was read with the Amendments and past which was so En-
dorst and sent to the upper House by M^r Dent and M^r Tolley.
They return and say they Delivered it.

The following Message Sent to the Upper House by Coll:
Mackall and Three Others Viz:

By the Lower House of Assembly November the 3^d 1722

May it please your Honors

This House having Considered your Message of the second
Instant by Col^o Holland is of Opinion that the bringing of a
Bill for the distribution of the Money in the Treasurers
hands into so many parts, as it should be is Impracticable
without Continuing the Sessions till next week, because there
will be a Necessity in such a Bill of Appointing persons to
receive & Applye the Money and as to any danger, the Treas- p. 77
urer of the Western Shore may Apprehend of being robbed
there are some Gentlemen will take some of the Money and
give Undoubted Security to pay it when Demanded which
will be an ease to the Treasurer in that particular, but if he
is unwilling to part with the Mony and uneasie to keep it, This
House thinks there is no Difficulty in finding a Person that
will undertake that Charge & give the necessary Security

Sign^d p Order M. Jenifer Cl. L^o ho:

They return and say they Delivered it.

The following Message sent to the upper House by M^r
Humphreys & M^r Chairs Viz:

By the Lower House of Assembly Nov^r the 3^d 1722.

May it Please your Honors

The Publick Records being now to be repaired this House
desires your Honours Concurrence with us in an Order for
the Treasurer of the Eastern Shore to send for two Dozen
of the best bound blank Books for Record Books of good
paper and the binding to be as well fortified as may be for
duracon to be broad Books, but not above three Inches thick

L. H. J. within the binding and ruled for a Margin about two Inches broad

Signed p order M. Jenifer Cl. L^o Ho:

They return and say they delivered it.

An Engrost Bill to enable Hugh Mathews to sell a Tract of Land lying in Queen Ann's County called Jones's ffancy whereof Dennis Sullivan died Seized,

An Engrost Bill for the relief of some psons that have Suffered by the Misconception of the Laws heretofore made for the regulating the makeing of Tobacco, And

An Engrost Bill for Limitacon of Accons of Trespass & Ejectm^t were severally read & Assented to and were so endorst and sent to the upp^r House by M^r Crabb & Mr. Hawkins.

They return and say they delivered them.

Coll. Addison from the upper House delivers M^r Speaker The Bill for relief of John Macclester of Somerset County Gent Thus endorst Viz:

p. 78 By the Upper House of Assembly Nov^r the 3^d 1722.

This Bill being read will pass with a Proviso Added giving the Other Security or his heires the same advantages with M^r M^cClester he or they bearing an equall part of the Damages sustained as Security for Bozman.

Signed p Order. Sam. Skippon Clk up^r Ho:

Whereupon the Bill was amended Accordingly and past for Engrossing.

Coll: Ward from the upper House Delivers M^r Speaker The Bill to enable Tho: Dent to sell Lands &c^a Thus Endorst.

By the [Upper] House of Assembly 9^{ber} the 3^d 1722.

Read and will pass.

Signed p order. S: Skippon Cl. up Ho.

Whereupon the same past for Engrossing.

James Bowles Esq^r from the upper House delivers M^r Speaker the following Message Viz:

By the upper House of Assembly 9^{ber} the 3^d 1722.

Gentlemen

This House concurs with your Message this Day by M^r Humphreys and M^r Chairs.

Signed p Order. Sam Skippon Cl. up. ho.

The following Message sent to the upper House by M^r L. H. J. Tyler and M^r Crabb Viz:

By the Low^r House of Assembly Nov^r 3^d 1722.

May it Please your Honors

Severall Members of the Western Shore complaining that the Gates of this City are very Negligently & badly kept by Rich^d Young the present Gate Keeper and that the Gate houses & fences are very much out of repair Notwithstanding the publick have been alwaies ready and willing to pay him the Charges Laid before them for the repairing thereof therefore this House desires your Honours Concurrence with us in removeing the s^d Young and ordering the repairs of the Gates & Fences & that Thomas Jobson may be Appointed in his Stead who is willing after the Necessary repairs are made to give Security for the well keeping the Gate and fences and Securing the Horses belonging to the Gentlemen of the Town p. 79 and Countrey.

Signed p Order M. Jenifer Cl L^o Ho.

They return and say they Delivered it.

An Engrost Bill for relief of John Macclester of Somerset County Gent. was read and Assented to & sent to the Upper house by M^r King & M^r Whittington.

They return and Say they delivered it.

Coll Holland from the upper House delivers M^r Speaker the following Message Viz.

By the upper House of Assembly 9^{ber} 3^d 1722

Gentlemen

In Answer to your Message Yesterday by Coll Mackall and M^r Young This House is of opinion that the Justices of Calvert County do next County Court Appoint any Time between this and next March Court for the ffreeholders to meet at Williams's old ffields near Hunting Creek and give their Voices; and that the Sherriff of the said County set up Notes at least Thirtv Days before the Time of Meeting in all Publick places; That all persons may have due Notice thereof.

Signed p Order Sam. Skippon Clk Up. ho:

Wth which this House Concurrss and thereupon the following Message is sent to the upper House by M^r Sherwood and M^r Tolley viz:

By the Low^r House of Assembly Nov^r the 3^d 1722.

May it please your Honors

This House concurrss with yo^r Honours opinion in yo^r Mes-

L. H. J. sage of this Day by Coll: Holland and shall take care that the Orders be made out Accordingly.

Signed p Order M. Jenifer Cl. L^o H^o

They return & say they Delivered it.

Coll Young from the upper House delivers M^r Speaker The Bill for relief of Several poor Prisoners thus Endorst.

By the Upper House of Assembly 9^{ber} the 3^d 1722.

This Bill being read will Pass, a Proviso being Added obligeing the prisoners to pay their Imprisonment ffees, by Service or Otherwise and that the Commissioners Appointed by this Bill have power to enquire into the truth of the within Deposition and give relief therein.

Signed p Order S: Skippon Cl. up Ho.

Thereupon the Bill being Amended accordingly was past p. 80 for Engrossing.

The Peticons of Thomas Jobson and Henry Lazenby are referred till next Sessions

The House proceeds to Tax the fees, On the following bills Viz:

	£	s	d	
ffor Westminster Parish Bill to M ^r Speaker				1000
to the Clerk on Ditto				500
On John Macclesters bill to M ^r Speaker	£	1..	0..0	
to the Clerk				0..10..0
On M ^r Lloyds Bill to M ^r Speaker		4..	0..0	
to the Clerk				2.. 0..0
On Hugh Matthews bill to M ^r Speaker		1..	0..0	
to the Clerk				0..10..0
On Thomas Dents bill to M ^r Speaker		1..	0..-	
to the Clerk				0..10..0

An Engrost Bill to enable Tho Dent and Anne his wife to Sell Lands &c^a was read and Assented to and was so endorst and sent to the upper House by M^r Dent and M^r Hawkins.

They return and say they Delivered it.

James Bowles Esq^r from the upper House Delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly Nov^r the 3^d 1722.
Gentlemen

Upon Reading yo^r Message relating to Rich^d Young Gate Keeper, we Recomend to yo^r Consideracon his Lameness &

weakness this Session, and we desire th^t you would remit his L. H. J. offence this Time; and make a further Tryall of him he Conforming himself to the rules of your House and giving Security for the due Execucon of his office in Attending the Gate, and using his Utmost endeavour to secure the horses belonging to the Burgesses & others.

Signed p order. Sam^l Skippon Clk. Up. House.

Whereupon the said Young is Continued Gate Keeper and the following Message sent to the Upper House by M^r Lloyd & M^r Humphreys, Viz.

By the Lower House of Assembly Nov^r the 3^d 1722.
May it Please your Honors

This House meerly out of regard to your Honours Recommendation of Rich^d Youngs Case agree to Continue him Longer upon his giving good Security for the due Execucon of his office. p. 81

Sign^d p Order M. Jenifer Cl. L^o H^o

They return & say they delivered it.

Coll. Holland from the upp^r House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly Nov^r the 3^d 1722.
Gentlemen

The Resolves of your House sent by Coll: Mackall & five others, October the 31st being of the greatest Consequence To the L^d Proprietary and this Province and this Sessions of Assembly being near a Conclusion we have not Time for so mature a consideracon as the nature of them require and therefore have referred the further consideration of them untill the next Sessions of Assembly

Signed p Ord^r Sam. Skippon Cl. up. H^o

An Engrost Bill for the relief of W^m Griffin and W^m Jarvis Languishing prisoners in Calvert County and Rob^t Morris a languishing prisoner in Ann Arundell County was read and Assented to and being so endorst was sent to the upper house by M^r Dent & M^r Hawkins

They return and say they Delivered it.

Ordered that M^r Speaker do Issue his warrant to the Secretary to make out a new Writt for Electing a Delegate next Sessions for Talbot County to serve in the room of Coll:

L. H. J. James Lloyd who this Sessions is made one of his Lordships Hon^{ble} Council.

Ordered that Coll: Mackall and M^r Tyler go to the upper House and Acquaint them that nothing of Publick Business remains before this House unfinished.

They return and say They delivered their Message.

Coll Addison from the upper House Acquaints M^r Speaker That his Honour the Gov^r requires him and the whole House to Attend Immediately in the upper House and withdrew.

Thereupon M^r Speaker with the whole House go to the Upper House where his Hon^r the Gov^r was pleased to Enact the several Engrost Bills following into Laws by sealing them with the right Honble the L^d Prop^{rs} great Seale of this province and Severally thus endorsing them Viz:

On behalf of the right Honble the Lord Prop^r of This Province, I will this be a Law.

Cha: Calvert.

p. 82 No 1. An Ingrost Supplementary Bill, to the Act for Killing wolves Crows & Squirrells.

2. An Engrost Bill for the relief of ffrancis Gandevit & John Read both of the City of Philadelphia.

3. An Engrost Bill for the Uniting part of S^t Paul's Parish in Baltemore County to Westminster Parish in Ann Arrundell County.

4. An Engrost Bill to Confirm Lands Devised for the use of the Church.

5. An Engrost Bill to regulate prosecucons in Criminall Cases.

6. An Engrost Bill for the Amendm^t of the Law and the Speedier Advancement of Justice in relacon to the assessing of Damages.

7. An Engrost Bill for Continuing all Causes in the high Court of Appeals from the Court that was Appointed to be held in July 1722, for the Time therein menconed.

8. An Engrost Bill for preventing the destroying of Boundarys or bounded Trees and the bounding of trees or setting up Boundaries without Lawfull Authority.

9. An Engrost Bill to Enable James Lloyd & Anne his wife and Deborah Pemberton Surviving Executors of Robert Grundy decēd to Convey the Lands and Water Mill therein menconed According to the Sales thereof made by the decēd in his life Time.

10. A further Supplementary Engrost Bill to the Act for L. H. J. better administraction of Justice in Testamentary affairs granting administraction Recovery of Legacies Securing filial portions and distribucon of Intestates Estates.

11. An Engrost Bill for Continuing Process in Baltemore Co^{ty}

12. An Engrost Bill for Regulating Amerciaments in the Prov^l & County Courts & Directing the Applicacon of them and for repealing part of An Act Intituled An Act for the better Adm^ccon of Justice in the high Court of Appeals Chancery Provincial and County Courts of this Province for the more Speedy recovery of Debts easie obtaining of Execucons ag^t p^{ersons} absenting from the Counties where the Judgments were recovered ag^t them for preventing Comiss^{rs}, Sherriffs, Sub Sherr^s & Deputy Clerks to plead as attorneys in the respective Courts to w^{ch} they belong and for Amerciam^{ts} in the Prov^l & County Courts.

13. An Engrost Bill for the better relief of poor Debtors.

14. A Supplementary engrost Bill to the Act for repairing the Damages already Sustained in the records of the Land Secretarys Comissarys & County Court offices and for Security of the same records for the future.

15. An Engrost Bill directing how fines shalbe adjudged ag^t such as Neglect to Appear at Musters

16. An Engrost Bill to prevent the Clandestine runing of Tob^o into any of the Neighbouring Colonies.

17. An Engrost Bill to enable Hugh Mathews to sell a Tract of Land lying in Queen Ann's County called Jones's ffancy whereof Dennis Sullivan Died Seized. p. 83

18. An Engrost Bill for the relief of some persons that have Suffered by the Misconcepcon of the Laws heretofore made to regulate the Making of Tob^o.

19. An Engrost Bill for the Limitacon of Accons of Trespass and Ejectm^t

20. An Engrost Bill for the relief of Jn^o Macclester of Somerset County Gent.

21. An Engrost Bill to enable Tho. Dent of Charles County and Anne his wife to sell part of a Tract of Land lying in Prince Geo. County called Locust Thicket intailed on the s^d Dents wife & her heirs &c and for intailing other Lands in Cha County in Lieu thereof

22. An Engrost Bill for the relief of W^m Griffin and W^m Jarvis languishing prisoners in Calv^t County and Robert Morris a languishing prisoner in Ann Arundel County.

L. H. J. After which his Hon^r the Gov^r was pleased to Deliver himself in the following words, Viz

Gentlemen

This Sessions being Concluded it remains only that I prorogue you to the Twelfth day of february next and you are required to take Notice that you are Accordingly so prorogued.

Cha. Calvert.

Afterwards M^r Speaker with the whole House return to their own House where M^r Speaker resumes the Chair and reports that his Hon^r the Governour had thought fit with the Advice of the Right Hon^{ble} he L^d Proprietaries Councill of State in this Province to prorogue this present Generall Assembly till the Twelfth day of february next. To which Time this House Accordingly prorogues it Self.

So Endeth this [ninth] Sessions of Assembly held for this province since his Most gracious Maj^{ty} has been pleased to restore the right Honble the L^d Prop^{ty} to the Government thereof this Third day of Nov^r in the [seventh] year of his Lordships Dominion over this Province &c An^o Dom. 1722.

Test. M. Jenifer Cl. L^o H^o of Ass^y.

ACTS.¹

Bacon's
Laws

At a Session of Assembly begun and held at the City of Annapolis, in the County of Ann-Arundel, for the Province of Maryland, the 9th Day of October, and ended the 3^d Day of November, in the 8th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1722, were Enacted the following Laws, viz.

Charles Calvert, Esq. Governor.

An Act to confirm Lands devised for the Use of the Church. Chap. IV

Whereas for a considerable Time (from the first Settlement of this Province) there were few or no Ministers to dispense the Word and Sacraments, that the Country was in an unsettled Condition as to Religion, and few or no Parishes erected during that Time: And Whereas several pious and well disposed Persons, for promoting the Protestant Religion, and for Encouragement of Ministers, have given or devised several Parcels of Land for that Use; but that notwithstanding the good Intent of several of the Devisors have been frustrated through the Negligence or Unskilfulness of the Writers of Wills, which is a great Injury to the Church, and has and may be a Discouragement to Persons charitably inclined, to give any Lands for Glebes where they are wanted, as they are in many Parishes; which makes the Incumbent unsettled and reduces him to Streights as to his Residence: For Remedy whereof for the future;

II. Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the Same, That any Person or Persons being of sound and disposing Mind and Memory, that have heretofore devised, or shall hereafter devise, any Lands or Tenements to the Use of any Church or Chapel within this Province, or for Support or Maintenance of the Clergy or Ministry of the Church of England, as by Law established, or to the Use of the Church, or Support of the Protestant Religion in general, without particularly mentioning to what Church, Chapel or

¹The original record having been lost, the text of these Acts is taken from Bacon's *Laws of Maryland at Large*, published in 1765.

Bacon Person, shall be good and effectual in Law, notwithstanding such Omission, or any Ambiguity or Uncertainty in the Word-
ing of any Will, if the Intent of the Testator can be reasonably collected from the Words of the Will.

III. And for putting an End to Disputes about the Right to such Lands; Be it Enacted, by the Authority, Advice and Consent aforesaid, That where the Intent of the Testator is at large, and it does not appear to what Church, Chapel or Person he devised such Land, in such case the Land so devised, shall go to the Parish or Incumbent where such Land lies, in the same Manner as Glebes are commonly held; and that no Want or Insufficiency of Words, (where the Intent appears) shall defeat such Parish or Incumbent of such Land.

IV. Provided nevertheless, That this Law shall in no wise affect any Lands that have been heretofore disputed in Law, or Escheated, or about which there is at this Time any Contest or Law-Suit depending. And provided likewise, That such Will or Wills, have, and shall be Signed by the Testator so devising the same, or by some other Person in his Presence, and by his express Directions, in the Presence of Three or more credible Witnesses, and duly Proved.

Chap. V An Act to regulate Prosecutions in Criminal Cases.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the Publication hereof, no Attorney-General, or Clerk of the Peace, or of Indictments, shall exhibit any Bills or Bill of Indictments to any Grand Jury against any Person whatsoever, without an express Order from the Governor and Council, or from the Court where the Prosecution is to be, or some one of the Justices of such Court, or unless the Offender be bound over to such Court, or that the Grand Jury find or make a Presentment of the Offence of their own Knowledge, upon Penalty of paying the Party grieved, all the Damages and Charges that shall be occasioned by such Prosecution; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Chap. VI An Act for the Amendment of the Law, and the speedier Advancement of Justice in relation to the Assessing of Damages.

For the Amendment of the Law, and for the easier and speedier Advancement of Justice; Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice

and Consent of his Lordship's Governor, and the Upper ^{Bacon} and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, the Justices of every Court of Record in this Province, may assess Damages, and give final Judgment in all Actions of the Case, upon Assumpsit, whether the same shall be entered upon Default, Demurrer, Nihil dicit, non sum informatus, or upon Confession; and no such Judgment shall be staid or reversed for or by Reason of not speeding or executing a Writ of Enquiry of Damages; any Law, Usage, or other Thing heretofore had, made, or used to the contrary notwithstanding.

II. Provided always, and be it Enacted, by the Authority aforesaid, That if either Party, Plaintiff or Defendant, shall, the same Court that Judgment shall be rendered, pray or insist on a Writ of Enquiry of Damages, the same shall issue in such Manner as if this Act had not been made; and if any Plaintiff shall insist on a Writ of Enquiry of Damages, and refuse to take Judgment for what the Defendant shall confess, the Plaintiff shall be at the Charge of such Writ of Enquiry; if the Jury assess no more Damages than the Defendant so confess'd.

An Act for preventing the Destroying of Boundaries, or ^{Chap. VIII} Bounded Trees; and the Bounding of Trees, or setting up of Boundaries, without lawful Authority.

Whereas it appears to this present General Assembly, That many Abuses and Prejudices have happened to many of the Inhabitants within this Province, occasioned by private Persons taking upon themselves in a private Manner, the Bounding, or Re-bounding of Trees, whereon the Bounds either of their own Lands, or any other adjacent Lands, may have any Dependence; and also by the Bounding of Trees at Random in the Woods, the Multiplicity of which renders the true Boundaries of Lands very precarious and uncertain; and likewise by the cutting down or destroying of Bounded Trees, either of or upon their own Lands, or any others; For the Remedy of which Evils for the future;

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall not be lawful for any Person or Persons whatsoever, within this Province, under any Pretence whatsoever, to cut down, or otherwise destroy, any Boundary, or Bounded Trees, either of his own Lands, or of the Lands

Bacon of any other Person whatsoever, even although such Boundary or Bounded Trees should stand within the Person's own Land so cutting down and destroying the same, under the Penalty of Five Thousand Pounds of Tobacco for every Offence; the one Half to the Informer, or to him or them that shall sue for the same, the other Half to the Use of Free-Schools in the County where the Offence is committed.

III. And be it also further Enacted, That if any Person or Persons whatsoever, shall, without lawful Authority, either at Random, or for their own Pleasure, presume to Bound any Tree or Trees in the Woods, or upon their own Lands, or that shall Bound any Tree or Trees, or set up other Boundaries for their own or others Land, in lieu and place of any original Boundary or Bounded Tree that is any way decayed or destroyed, without first giving Notice to all Persons concerned in such Boundaries, of the Time and Place proposed for setting up or making such new Boundary, or that upon the Failure of the Persons concerned in such Lands (upon Notice, or when Notice cannot be given) being present at the Time and Place appointed, shall not take with him Four substantial Freeholders of his Neighbourhood at the least, that may be present at the Bounding such Tree or Trees, or setting up such other Boundary, shall forfeit for every Time he, she or they shall be convicted thereof, the Sum of Five Thousand Pounds of Tobacco; the one Half to the Informer, or to him or them that shall sue for the same, the other Half to the Use of Free-Schools in the County where the Offence is committed: All which Fines to be recovered in his Lordship's Name, in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

IV. And be it further Enacted, That in all Prosecutions against any of the Offenders aforesaid, the Attorney-General, or Clerk of Indictments, in their Indictments or other Proceedings, shall be as particular as possible in describing the Place upon, or to whose Lands the Boundaries relate, which have been made, so set up, or destroyed, contrary to the true Intent of this Act.

Chap. X A further Supplementary Act to the Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, recovery of Legacies, securing Filial Portions and Distribution of Intestates Estates.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's

Governor, and the Upper and Lower Houses of Assembly, ^{Bacon} and the Authority of the same, That every Creditor having any Sum of Money, Quantity of Tobacco, or other Goods, due from the Estate of any deceased Person by Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or other Writing, before the Executor or Administrator of the Debtor pay the same, shall be obliged to make a solemn Oath, or Affirmation if a Quaker, before some one Justice of the Provincial Court, one Justice of the Peace, the Commissary General, or Deputy-Commissary, for the Time being, "That no Part or Parcel of the Money, Tobacco, or "other Goods mentioned in such Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, "or other Writing, hath been paid, nor any Thing else given "or delivered towards Satisfaction thereof, more than is "taken Notice of and mentioned in such Oath or Affirmation;" and that what the Creditor shall confess on Oath or Affirmation to have received, shall be deducted out of the Debt, and the Residue paid by the Executor or Administrator having Assets.

II. And be it Enacted, That every Executor, or Administrator of a Creditor, shall before the Receipt or Recovery of any Debt due as aforesaid, from any other Executor or Administrator, Swear or Affirm, "That the Creditor (to the "Knowledge of the Executor or Administrator, nor by any "Book, Writing, Account, or other Thing appearing to such "Executor or Administrator,) did not receive any Part or "Parcel of the Debt more than is mentioned in such Oath "or Affirmation; and likewise that he or she hath not received "any Part of the Debt, or any Thing else towards Satisfaction thereof, more than he or she gives an Account of;" which is always to be mentioned particularly in such Oath or Affirmation, and deducted as aforesaid.

III. And be it also Enacted, That where any Creditor, or Executor or Administrator of a Creditor, shall obstinately refuse to swear or affirm according to the Directions of this Act, and will sue and implead the Executor or Administrator of the Debtor that shall offer, on its being done, to pay what shall appear to be really due, shall be Non-suit, and pay full Cost, Provided always, That such Non-suit shall not bar or estop the Plaintiff, to bring a new Action, if needful, first complying with the Directions of this Law; and that any Person that shall swear or affirm falsely in the Premises, and be thereof lawfully convict, shall incur the same Pains and Penalties as in case of wilful and corrupt Perjury.

Bacon IV. And whereas several litigious Executors and Administrators, having enough in their Hands to satisfy all the just Debts of the Deceased, in Violation of their Duty, and the Trust in them reposed, have suffered themselves to be sued, presuming that the Deceased's Estate must be burthened with all the unnecessary Cost they vexatiously occasion, which has too frequently happened, to the great Delay of many honest Creditors, the Ruin of the legal Representatives, and Disreputation of the Deceased: For Remedy of which Evils for the future; Be it Enacted, by the Authority, Advice and Consent aforesaid, That no Executor or Administrator shall hereafter be allowed any Cost of Suit, in any Action to be recovered against such Executor or Administrator, out of the Deceased's Estate, unless the Court before whom the Action is brought shall certify to the Commissary-General or Deputy-Commissary, that the Executor or Administrator had just or probable Cause or Reason for withstanding such Suit.

V. And be it further Enacted, That every Deputy-Commissary shall enter into a Bond with Sufficient Sureties, (such as the several County Courts, who are hereby impowered and directed to take the same, shall approve of, payable to the Lord Proprietor, in the Penalty of Two Hundred Pounds Sterling) for the due and just Execution of his Office; which Bonds shall be lodged in the Prerogative Office, and liable to be assigned and sued, as the Sheriffs and other Public Officers Bonds are.

Chap. XII An Act for regulating Amerciaments in the Provincial and County Courts, and directing the Application of them; and for repealing Part of an Act, entitled, An Act for the better Administration of Justice in the High Court of Appeals, Chancery, Provincial and County Courts of this Province; for the more speedy Recovery of Debts; easy obtaining of Executions against Persons absenting from the Counties where the Judgments were recovered against them; for preventing Commissioners, Sheriffs, Sub-Sheriffs, and Deputy-Clerks, to plead as Attorneys in the respective Courts to which they belong; and for Amerciaments in the Provincial and County Courts.

Be it Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly of this Province, and the Authority of the same, That every Plaintiff, not being an Executor, Administrator, or Minor, that shall be cast in any Cause in the Provincial Court,

or discontinue his Suit, shall be amerced Fifty Pounds of Tobacco, and every Defendant in the same Court, not being an Executor, Administrator, or Minor, that shall be cast, if he imparles, shall be amerced Fifty Pounds of Tobacco; to be applied as the Governor and Council shall direct; and that every Plaintiff in the County Court, (not being an Executor, Administrator, or Minor,) that shall be cast in any Cause, or shall discontinue the same, shall be amerced Thirty Pounds of Tobacco; and that every Defendant, not being an Executor, Administrator, or Minor, that shall be cast, if he imparles, shall be amerced Thirty Pounds of Tobacco; to be applied to the defraying the County Charge; all which Amercements to be levied by the Sheriffs, by way of Execution, in the same Manner as the Public and County Levies are.

II. Provided, That no Defendant shall be liable to any Amercement against whom Judgment shall be rendered the first Court.

III. And be it further Enacted, That one Clause of an Act, entitled, An Act for the better Administration of Justice in the High Court of Appeals, Chancery Provincial and County Courts of this Province; for the more speedy Recovery of Debts, easy obtaining of Executions against Persons absenting from the Counties where the Judgments were recovered against them; for preventing Commissioners, Sheriffs, Sub-Sheriffs, and Deputy-Clerks, to plead as Attorneys in the respective Courts to which they belong; and for Amercements in the Provincial and County Courts, that relates to Amercements, and the Application of them, shall be, and is hereby repealed.

IV. And be it likewise Enacted, That it shall and may be lawful to and for the several and respective Justices of the County Courts within this Province, at their Discretion, where it shall appear to them that any Plaintiff or Defendant in any Action hereafter to be brought in any of the said Courts, shall suffer by the Negligence or Omission of the Attorney or Attorneys, to immediately adjudge such Attorney or Attorneys to pay the lawful Costs accruing from such Plaintiff or Defendant through such Negligence or Omission, not exceeding Four Hundred Pounds of Tobacco; but if the Cost shall surmount that Sum, then in every such Case, the Plaintiff or Defendant shall be left to their Remedy at Common Law. And that every Attorney practising in any County Court whereof he is not an Inhabitant, shall be under the same Circumstances as to any Recovery to be had against him, as though he was actually an Inhabitant of that County.

Bacon
Chap. XV

An Act directing how Fines shall be adjudged against such as neglect to appear at Musters.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That on Representation made by the Head Officer that shall appear in the Field at any Time appointed for a Muster, that any Persons, not exempt by Law, shall not have made their Appearance according to his Warning or Summons provided as the Laws of this Province direct, it shall and may be lawful for any Two Field Officers of the County, to summons the Delinquent or others concerned; and on hearing and fully examining into his Offence and Excuse, to cause him to be executed or excused, as shall be most just and most agreeable to the Intent of the Law, now in Force, for the better regulating the Militia.

II. Provided, That in case any Person summoned to appear before such Field Officers, shall not appear, or otherwise excuse themselves, it shall be lawful for such Officers to judge their Case as on Default.

III. And be it further Enacted, That an Act, entitled An Act for ordering and regulating the Militia of this Province, for the better Defence and Security thereof, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-sixth Day of April, Anno Domini One Thousand Seven Hundred and Fifteen, be, and is hereby revived and continued in full Force.

Chap. XVI An Act to prohibit the clandestine Running of Tobacco into any of the neighbouring Colonies.

Whereas several Persons residing and trading within this Province, regardless of the common Interest thereof, for the sake of their own private Advantage, carry large Quantities of Tobacco into several of the neighbouring Colonies without making any Entry thereof, paying the lawful Duties, or giving any Security to prevent its being carried into Places prohibited by Law, contrary to the manifest Intent of several Acts of Parliament, to the Prejudice of the Crown, and the Lord Proprietor, as well as the Discouragement of the Trade of the Province; To remedy which Evils,

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person whatsoever, shall presume to transport out of this Province, (by Land or Water) any Hogshead, Package or Parcel of

Tobacco, without first entering the same according to Law, Bacon with the proper Officers; and that whoever shall, without making such Entry, carry or transport, or cause to be carried or transported, any Tobacco as aforesaid, shall (for every Hogshead or other Package,) forfeit Ten Pounds Sterling; and for every Parcel weighing Five Hundred Pounds of Tobacco, the like Sum, and so in Proportion for a greater or lesser Quantity, one Half to the Lord Proprietor, the other Half to the Informer, or him that will sue for the same; to be recovered by Action of Debt, Bill, Complaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

III. And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Person whatsoever, shall presume to transport out of this Province, (by Land or Water) any Hogshead, Package or Parcel of Tobacco, without first entering the same according to Law, with the proper Officers; and that whoever shall, without making such Entry, carry or transport, or cause to be carried or transported, any Tobacco as aforesaid, shall (for every Hogshead or other Package,) forfeit Ten Pounds Sterling; and for every Parcel weighing Five Hundred Pounds of Tobacco, the like Sum, and so in Proportion for a greater or lesser Quantity, one Half to the Lord Proprietor, the other Half to the Informer, or him that will sue for the same; to be recovered by Action of Debt, Bill Complaint or Information; wherein no Essoin, Protection or Wager of Law to be allowed.

III. And be it Enacted, That any Tobacco that shall be put on board of any Boat or other Vessel, in any River or Creek within this Province, contiguous to any of the neighbouring Colonies, whence Tobacco hath been usually carried into such Colonies, or loaden on any Cart, Waggon, or other Land Carriage, in Places where it hath been usual to carry, or convenient for the carrying the same by Land, to the Bay or River of Delaware, without first obtaining a Permit from the proper Officer, shall be forfeit, together with such Boat, or other Vessel, and the Cart, Waggon, or other Land Carriage, and Horses or Oxen drawing the same; and that it shall and may be lawful for any Person, in Presence or Absence of any of the Officers hereafter mentioned, to seize them and every of them; one Half of the Forfeitures to the Lord Proprietor, the other Half to any Officer, or other Person, that shall seize, or cause the same to be seized. And that every Person

Bacon that shall presume to convey away or remove any of the Things seized, shall for every Offence forfeit Ten Pounds Sterling; to be recovered and applied as aforesaid.

IV. And for the more effectual putting this Law in Execution; Be it Enacted, That every Officer of the Customs within this Province, Provincial Justice, Justice of the Peace, Sheriff, Under-Sheriff, Vestry-man, Church warden, and Constable, and every of them, shall be, and are by this Act impowered, enjoined and required, respectively, to put this Act in Execution, and to be aiding and assisting to every Person that shall make any Information or Seizure, on Pain of forfeiting Five Pounds Sterling for every Neglect or Omission; to be recovered in the Manner, and to the Use aforesaid.

V. And be it further Enacted, That where any Action shall be brought against any Person for putting this Law in Execution, the Defendant may plead the General Issue, and give the special Matter in Evidence, and if a Verdict be found for the Defendant, or the Plaintiff be Non-suit, or discontinue his Action, the Defendant shall recover Treble Cost.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, Sept. 23-Oct. 26, 1723.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

At a Session of Assembly begun and held by severall Prorogations at Annapolis on Monday September the 23^d in the Eighth year of the Dominion of the Right Honble Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c^a Annoque Domini 1723.

U. H. J
Calvert
Papers
(724)
p. 1

Present

The Honble Charles Calvert Esq^r Governour

The honble { Col^o W^m Holland Col^o Rich^d Tilghman
 { Col. Sam^l Young Col. Mat: Tilgh Ward
 { Col. Tho^s Addison Ben^j^a Tasker Esq^r
 Members of the Upper House

Coll^o Mackall and M^r Tyler from the Lower House acquaint his Honour that there is a sufficient number of their House met to proceed upon business and that they wait to know his Commands

Whereupon Coll^o Holland is sent to acquaint them that his Honour requires the Speaker and the whole House to attend him immediately in the Council Chamber. He returns and says he delivered his Message.

The Speaker and the whole House attend Accordingly and his Honour was pleased to Open the Session with the following Speech Viz.

Gentlemen of the Upper and Lower Houses of Assembly.

Since our Last Session the Brittish Parliament Has taken our Staple into their Consideration and because Quantities of Trashy Tobacco have been sent home (notwithstanding our Law) the burning of w^{ch} put the Crown to a vast Expence Contrary to the intent of that Act made at Home in our Favour, That Act is now repealed. This ought to awaken every one for their own Interest to Endeavour to mend the Quality, and send home none but Clean Tobacco, and tho this may in some measure lessen the number of Hogsheads, yet the Goodness will make ample amends to the Planter and nobody will be a Loser but the L^d Proprietor, notwithstanding w^{ch} his Ldp out of a Fatherly Tenderness for the Country having their Good at Heart before his own Private Interest, has Commanded me to pass his Revenue Bill upon the same Foot it was for three years Longer.

U. H. J. I am also Ordered to pass the Act for Ordinary Licenses for the same Term of Years and Likewise the Act for three Pence a Hogshead, half of which was appropriated to the free Schools the other half to myself I do not mention this Latter Part, as in the Least Doubting the Good Will of the Countrey, for I have always found them very ready in their Favours towards me, and I should be Unjust to myself not to study the Country's Welfare, for besides the many Ties I before lay under of doing it, I have now a very near one which will induce me to pass my Days here when I shall not have the Honour to be at the head of the Administration

Gentlemen

p. 3 It is with Concern I observe the Leavies run so high, and am perswaded that if a Just Calculation was to be made of the Charge only for killing of Squirrels the Benefit the Country reaps by that Act would fall far short of the Expençe. This deserves Consideration, as tending to the Ease of the Good People; and whatever else may Contribute thereto, shall not fail of my Concurrence therein.

Charles Calvert

Adjourned till morning

Tuesday Sep^r the 24th 1723

Met According to Adjournment

Present

The Honble Charles Calvert Esq^r Governour

The Honble	{	Coll ^o W ^m Holland	Col ^o M. Tilgh:	}	Members of the Upper House.
		Col ^o Sam ^l Young	Ward		
		Col ^o Tho ^s Addison	John Rousby Esq ^r		
		Col ^o Rich ^d Tilghman	James Lloyd Esq ^r		
			Benj. Tasker Esq ^r		

M^r Daniel Sherwood and M^r Chaires acquaint this House that they attend with M^r Tho^s Bozman a member elected for Talbot County in the Room of James Lloyd Esq^r now one of the members of this House and of his Ldp's honourable Council in Order to see him qualified

Whereupon the said M^r Tho^s Bozman takes the several Oaths appointed by Law and Likewise subscribed the Oath of Abjuration and test and then withdrew

p. 4 The Petition of many of the Inhabitants of Cecil County Complaining of some Frauds comitted by James Vanbibber late High Sheriff of said County and of some hardships im-

posed upon them by some of the comissioners of the Peace in U. H. J. said County, and praying relief therein was read and Ordered to be thus endorsed.

By the Upper house of Assembly Sep^r the 24th 1723.

M^r Attorney General having made some motion relating to this Petition last Provinciall Court, it is referr'd to the Consideration of the Lower House to Enquire what Steps he has taken therein, and what is proper to be done further to Answer the Prayer of the Petitioners

Signed p Order Samuel Skippon Clk. Up. Ho.

Which Petition so Endorsed is sent to the Lower House by Col^o Young who returns and says he delivered it.

His Honour the Governour Communicated to the House his Lordship's Dissent to the Act for Limitation of Actions of Trespass and Enjectment and his answer to the Addresses of the Upper and Lower Houses of Assembly Anno 1721 (Viz)

Loco
Sigilli

C. Baltimore

Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore &c. To our Trusty and well beloved Charles Calvert Esq^r our Lieutenant Governour of our said Province of Maryland, And to our Right Trusty and well beloved The Upper and Lower Houses of our General Assembly there, and to all others in our said Province of Maryland for the Time being Greeting. p. 5

Whereas at a Sessions of Assembly begun and held at Annapolis in our said Province of Maryland the ninth day of October, and ending the third Day of November in the seventh year of our Dominion over the said Province, Annoque Domini 1722 An Act Intituled an Act for Limitation of Actions of Trespass and Enjectment, passed into a Law: on due Consideration thereof, we have thought fit to Dissent to the said Act, and do hereby declare the said Act null Void and of no Effect

Given under our Hand and Seal at Arms at London this 19th Day of March in the Eighth year of our Dominion over the said Province Annoque Domini 1722

Gentlemen of the Upper and Lower Houses of Assembly
C. Baltimore.

I thank you for your Dutyfull and affectionate Addresses severally transmitted to me and Cannot but take Pleasure in

U. H. J. the happy Effects you Expect from my Government directed by the resolutions I have taken to make the Publick Good the Rule of it

The Subject matter of the Act for Limitation of officers Fees, has with various opinions taken up much Time and Consideration and least some might think me Partial to my Self, because the nameing the Persons Employed in several Offices
 p. 6 of Government is in me, I have been sensibly touch'd about it, and the more so, since the late Reasons offer'd to induce me not to dissent thereto, unhappily differ so widely from my own.

I think the Continual Affluence of People will multiply Business, Care and Hands, as well as enumerate The Officers' Fees and by your way of Reasoning Gentlemen of the Lower House, you may as well from Time to Time lessen what they now Enjoy as you have what they formerly did, nor am I fully Convinc'd should the fluctuating Condition of our Staple so improve (w^{ch} God Grant it may) as to Double their Profits to what the Low State of it has now rendered them they would not have more than an Ample Compensation for their Labours altho Constantly resideing among you. But as it is, and I Conceive very Justly thought necessary that some Certain Officers of the State should be supported about the Person of your Proprietary in Great Brittain in such manner as to be able Plentiffully out of the Profits of their Offices to gratify such Deputy or Deputies as the Busieness necessary to be transacted in the Province requires so I Cannot believe the Limitation of them from what they have been, will prove in the end, any Great Advantage to the Publick.

Possibly the Fees allow'd in Virginia may not be so much in Tobacco, as those allowed by us, Yet if I am not misinformed the Different matter of Their Tobacco from ours
 p. 7 makes an Ample Amends; however since you Gentlemen the Delegates of the People so earnestly desire I would not dissent to the said Act, I have not; trusting that you your selves will one Day see Cause to revive and alter it.

Gentlemen of the Lower House

I Cannot omitt thanking you for your most obliging Letter, under the hand of Rob^t Ungle Esq^r your very worthy Speaker, and am pleased with the occasion you thereby give me in this Publick manner of declaring how acceptable any Thing is to me, which you Apprehend may prove advantageous to the Staple of our Countrey.

The great Quantity of bad Tobacco lately given up to be burnt whereby his Majesty has been so Considerable a Loser

in his Customs, Caused much Inquiry and speculation untill U. H. J. the sight of your late Act for the Preventing the making Trashy Tobacco, and for the bettering the Staple of this Province gave Hopes that the like would not happen for the future which has Convinced me, how much it is for your Advantage that I should be Assisted with men of Knowledge, and Interest in your Affairs in order either to preserve those Privileges you now Enjoy, or in obtaining others as Occasion may offer.

Gentlemen of the Upper and Lower Houses

It is with great Satisfaction I observe from your Journals that the Condition of the militia has imployed your Thoughts, p. 8 and I am in Hopes the next Sessions will produce such regulation therein that (together with the Charge you are Constantly at for Arms and Ammunition) you may not appear Negligent whilst your neighbours are takeing so much Care of their Preservation; And I am Confident you will find my Lieutenant as Expert in forming your Forces as you acknowledge he has been wise and Prudent in the due Execution of the Civil Powers Comitted to his Charge.

Duplicate

A Message from the Lower House by M^r Beal & M^r Bozman Viz.

By the Lower House of Assembly Sept^r the 24th 1723
May it Please Your Hon^{rs}

This House in order to Dispatch publick Busieness as much as in them lies, have entred a Resolve to sit from Nine of the Clock in the forenoon till four in the Afternoon, and desire to know whether the Times Proposed are Agreeable to your Honours

Signed p Order. M. Jenifer

To which Message the following Ans^r was prepared viz.

By the Upper House of Assembly Sept^r the 24th 1723
Gentlemen

This House agrees to the Hours of Sitting for Dispatch of Publick Busieness proposed by your House in your message to Day by M^r Beal and M^r Bozman

Signed p order Sam^l Skippon Clk Up. Ho. p. 9

U. H. J. And sent by Col^o Tilghman to the Lower House who returns & says he Delivered it.

The Petition of some Inhabitants of Cecil County from the Lower House by M^r Benja Mackal and M^r Chaires thus further indorsed viz.

By the Lower House of Assembly September the 24th 1723
May it Please Your Honours

On Reading the within Petition we Enquired of M^r Attorney General what Steps had been taken Concerning the matters Contain'd therein, who informed the House that he laid such Papers as he had Delivered him relateing thereto before the Justices of the Provincial Court, and that they were of opinion that it was proper to lay them before the Governour and Council upon which we Consider'd the Act of Assembly empowering the County Courts to levy and raise Tobacco to defray the necessary Charges of their Counties and Parishes & are of opinion that as that Act requires the County Clerks to transmit a True Coppy of their several County Levies to the Governour and Council of this Province; so we Conceive that the Examination of the facts Contain'd in this Petition, and whether it be proper to direct a Prosecution thereon is properly determinable by their Honours the Governour and Council

Signed p Order M. Jenifer Clk Lo. Ho.

p. 10 Three Bills from the Lower House by M^r Stoddert and three more viz.

An Act for Reviving an Act intituled an Act for Raising a Duty of three Pence p Hhd on all Tobacco Exported out of this Province, for the uses therein mentioned.

An Act reviving and Continuing the Act for Ascertaining the Gauge and Tare of Tobacco Hhds &c.

An Act reviving and Continuing an Act intituled an Act for regulating of ordinaries

All which Bills were thus indorsed severally Viz.

By the Lower House of Assembly Sept^r the 24th 1723

Read the first and second Times by especial Order and will pass

Signed p Order M. Jenifer Cl Lo. Ho.

Which Bills were severally read and severally thus in- U.H.J.
dorsed further Viz.

By the Upper House of Assembly Sept^r the 24th 1723

Read and will Pass

Signed p Order Sam^l Skippon Cl. Up. Ho.

Then Col^o William Holland on Behalf of himself and the
rest of the members of this House Delivered to his Honour
the Governour their Answer to his speech made at the opening
of this Session (Viz.)

By the Upper House of Assembly Sept^r the 24th 1723 p. 11
May it Please your Honour

We return you our most hearty Thanks for Communicating
to us the Transactions of the Brittish Parliament in Relation
to our Staple; and are sorry to hear that some Planters have
made so ill an use of the Benefit intended us by the late Act as
to Occasion the Repeal of it.

Your Honour's kind Advice to mend the Quality of Tobacco
we hope will be maturely Considered by the p^{sent} General
Assembly in such a manner as may best procure the Advance-
ment of the Tobacco Trade and be least prejudicial to his
Lordship's Interest towards the Accomplishing whereof our
Endeavours shall not be wanting.

We have had many instances of his Ldps Good Inclinations
to promote the Interest of the People within this Province,
and must acknowledge that his Readiness to acquiesce with
what may Conduce to prevent making trashy Tobacco (w^{ch}
will of Consequence lessen the Quantity) and at the same
Time his Direction to you to pass the Revenue Bill for three
years longer as it formerly stood is an Engaging Confirmation
of his tender concern for our welfare

It is a Pleasure to us that our poor Acknowledgm^{ts} have
been Acceptable to your Honour; and wish our Abilities
Could have rendered them more Considerable. We are
fully Satisfied that your natural Inclination to Goodness and
Justice will prompt you to study the welfare of this province p. 12
as well as that near Tye you are pleased to mention, of which
we wish your Hon^r a lasting Enjoyment Esteeming it our
Advantage so far as it Conduces to your residing amongst Us.

Your Honour's tender care in recommending to us the Easing
the Good People of this Province in their Taxes inforces the

U. H. J. Obligation of our duty diligently to apply ourselves to the Consideration of any means that may tend thereto; and if we should happily agree upon proper methods for so doing leaves us no Room to Doubt of your Concurrence.

Signed p Order Sam^l Skippon Cl Up: Ho.

To which his Honour was pleased to make the following Reply Viz.

Gentlemen of the Upper House of Assembly

I return you my hearty thanks for your kind Address and I shall always study to deserve your good opinion.

Adjourn'd till Morning nine a Clock.

Wednesday September the 25th 1723

Met according to Adjournment.

Present

His Honour the Governour

The hon ^{ble}	{	Col ^o W ^m Holland	Col ^o Rich ^d Tilghman	} Members of the Upper House
		Col ^o Sam ^l Young	John Hall Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		Col ^o M. Til. Ward	Benj ^a Tasker Esq ^r	

p. 13 The Three Bills Brought up Yesterday from the Lower House, sent to the Lower House by John Rousby and Benjamin Tasker Esq^{rs} who returns and says they deliver'd them.

His Lordship's Answer to the Addresses of both Houses of Assembly Anno Dmi 1721 being a Duplicate the original of which miscarried is sent to the Lower House with the following Message by Col^o Holland viz.

By the Upper House of Assembly Sep^r the 25th 1723
Gentlemen.

The inclos'd is a Duplicate of his Lordship's the Lord Proprietary's Answer to the Addresses of both Houses in the year 1721 the Original of which miscarried as his Honour has inform'd us, and Communicated to us by his Hon^r in Ord^r to be transmitted to yo^r House

Signed p Order . Sam^l Skippon Cl Up Ho.

Who returns and says he delivered it

Coppy of his Ldps first Instruction to the Honble Charles

Calvert Esq^r his Ldshps Lieuten^t Governour &c of the Prov- U. H. J.
ince of Maryland, (Viz)

C Baltimore

You will herewith receive my Dissent to an Act of Assembly intituled an Act for Limitation of Actions of Trespass and Enjectment to be published and Entered on Record according to your Forms w^{ch} Act is not only Explanatory of an English Statute not in force in our Province, but seems by implication to introduce English Statutes to operate there, which Statutes have been always held not to extend to the Plantations unless by Express Words Located thither and you are upon all Occasions so to Conduct yourself on my behalf as not only not to admitt any such practice to take Place in Maryland but even to discountenance any Doubts concerning the same and when any of the English Statute Laws are found Convenient and well Adapted to your Circumstances you ought specially to Enact them De Novo, or such part of them as you find proper for you; and not by an Act of the Province Introduce in a Lump (as it were) any of the English Statutes and these Sentiments you may instil and make known as you see Cause. p. 14

This Instruction bears Date at London March the 19th 1722

The Coppy abovementioned, together with his Lordships Dissent to the Act intituled an Act for the Limitation of Actions of Trespass and Enjectment with the following message prepared thereon was sent to the Lower House by Col^o Young.

By the Upper House of Assembly September the 25th 1723
Gentlemen

We herewith send you his Lordship's Dissent to the Act intituled an Act for Limitation of Actions of Trespass and Enjectment together with a Coppy of his Lordships Instruction to his Honour the Governour giving the Reasons of his dissent. p. 15

The Petition of John Mackenzey of Talbot County was Read and Ordered to be thus indorsed viz.

By the Upper House of Assembly 7^{br} the 25th 1723
Gentlemen.

The within Petition has been Read and is referred to the Consideration of the Lower House of Assembly.

Signed p Order Sam^l Skippon Cl Up. Ho.

U. H. J. Which Petition so Endorsed is sent to the Lower House by
Col^o Addison

The Petition of Thomas Dent of Charles County praying
that Leave may be Given him to bring in a Bill to discharge
his Body out of Prison upon Surrendring on Oath his whole
Estate Real and Personal to be equally Distributed among
his Creditors was read, as likewise a Paper signed by several
of the said Tho^s Dent's Creditors, whereupon the following
Endorsment was ordered to be made upon the Petition (viz.)

By the Upper House of Assembly 7^{br} the 25th 1723
Gentlemen.

This Petition with the inclosed Consent of Several of the
Petitioner's Creditors has been read, and is recomended to
the Consideration of the Lower House of Assembly.

Signed p Order Sam^l Skippon Cl Up Ho.

p. 16 And the Petition so indors'd was sent to the Lower House
by Col^o Tilghman

Two Bills from the Lower House by M^r Walter Smith and
M^r Pritchett (viz.)

An Act to prevent the great Evils arising by the Importa-
tion of Convicts into this Province and for the better Dis-
covery of such when Imported thus Endorsed viz.

By the Lower House of Assembly Sep^r the 25th 1723.

Read the first and second Times and the Question being put
whether the same shall pass as it is, or be amended, it is
Carried by the Majority of Votes that it be amended.

Thereupon is Comitted for Amendment to the Committee
of Laws.

Signed p Order M. Jenifer Cl. Lo. Ho.

And Lower Down thus further indorsed (viz.)

Eodem Die

Amended and read with the Amendm^t and will Pass.

Signed p Order. M. Jenifer Cl Lo. Ho.

Ordered that the Bill be read and the Bill was Read the
first Time and Ordered to lye on the Table

An Act reviving and Continuing an Act of Assembly In-
tituled an Act for relieving the Inhabitants of this province

from some Aggrievances in the Prosecution of Suits at Law U. H. J.
thus indorsed viz.

By the Lower House of Assembly 7^{br} the 25th 1723

Read the first and second Time by especial Order and will p. 17
pass

Signed p Ord^r M. Jenifer Cl. Lo. Ho.

Ordered that the Bill be read and the Bill was read and the
following Indorsement made thereon.

By the Upper House of Assembly Sept^r the 25th 1723

Read and will Pass

Signed p Order Sam^l Skippon Cl. Up. Ho.

Which Bill so indorsed is sent to the Lower House by Col^o
Ward

Adjourned till the Morning

Thursday September the 26th

Met according to Adjournment.

Present

His Honour the Governour

The hon ^{ble}	{	Col ^o W ^m Holland	Col ^o M. Tilgh Ward	} Members of the Upper House
		Col ^o Sam ^l Young	Phil: Lloyd Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		John Hall Esq ^r	Benj: Tasker Esq ^r	
		Col ^o Rich ^d Tilghman		

The Petition of Nicholas Sewall praying that he may have
a Coppy of the Survey made of the Indian Bounds in order
to Enable him to demonstrate that a Tract of Land called
Darby lyes within said Bounds &c. was read and the follow-
ing Endorsement made thereon viz.

By the Upper House of Assembly Sep^r the 26th 1723

The within Petition has been read and there having been p. 18
no Copy of the Survey prayed for Lodg'd with the Clerk of
this House, we recommend it to yo^r House, if you think proper,
to let the Petitioner have a Copy thereof According to the
Prayer of the Petition.

Sign'd p Order Sam^l Skippon Cl Up House.

U. H. J. And the Petition so indorsed is sent to the Lower House by M^r Rousby.

Read a Second Time the Bill intituled an Act to prevent the great Evils arising by the Importation of Convicts into this Province, and for the better discovery of such when imported, and the following Indorsement made thereon Viz.

By the Upper House of Assembly Sep^r the 26th 1723

The Bill will pass with the following Amendm^{ts} viz. Δ 1. and Renew the same yearly as aforesaid 2 + within twenty days after the Entry of such Ship or other Vessel to be Entred upon Record 3 and some Allowance to be made to the Magistrates for taking Depositions and Recognizances

Signed p Order Sam^l Skippon Cl Up: Ho.

Which Bill so indorsed is sent to the Lower House by M^r Tasker

Then the House took into Consideration the Establishment of free Schools referr'd from the last to the present Sessions of Assembly; and the following Message was prepar'd thereon (viz.)

By the Upper House of Assembly September the 26th 1723

p. 19 Gentlemen.

The Establishment of Free Schools in the several Counties of this Province upon a Good foundation being a matter of the greatest Consequence to the Country and having been for want of Time referr'd from the last to this p^{sent} Sessions of Assembly; we recomend the imediate Consideration of that matter to your House, and are ready to Concur with you in such measures as shall be thought usefull thereto.

Signed p order Sam^l Skippon Clk. Up. Ho.

Which message was sent to the Lower House by Col^o Holland

Then the House upon the Complaint of the Emperour of the Nanticoke Indians, took that matter, referr'd from the Last Session to this present Sessions of Assembly, into Consideration, and thereupon the following message was prepare (Viz.)

By the Upper House of Assembly Sep^r the 26th 1723
Gentlemen.

Towards the End of Last Sessions of Assembly for want of Time your House referr'd the further Consideration of

the Affairs of the Indians to this present Sessions; we recom- U. H. J.
mend therefore that matter again to your Consideration there
having been fresh Complaints even since last Sessions, that
Capt Rider and W^m Ennals have molested the Nanticoke
Indians in their Possessions, and would not suffer them to
Cultivate any part of those Lands, to which they make pre-
tensions, within their Bounds.

Sign'd p Order Sam^l Skippon Cl. Up. Ho.

Which Message, with four Original Bills are sent to the p. 20
Lower House by Col^o Young.

A Bill from the Lower House by M^r Warfield & M^r Oldham
referred from last Session of Assembly to this present Session
intituled An Act for the Ease of the Inhabitants in Examining
Evidences relateing to the Bounds of Lands, and in the man-
ner of obtaining Injunctions thus Endorsed.

By the Lower House of Assembly Sept. the 26th 1723
Read and will Pass.

Signed p order M. Jenifer Cl. Lo. Ho.

Ordered that the Bill lye on the Table.

A Bill from the Lower House by M^r Travers and M^r Prit-
chet intituled an Act for Repealing the several Acts of As-
sembly now in force in this Province, that give allowance
for killing Wolves Crows and Squirrels, so far as they relate
to killing Crows and Squirrels only, thus Indorsed Viz.

By the Lower House of Assembly September the 26th 1723

Read the first and second Time by especial Order and will
Pass

M. Jenifer Cl. Lo. Ho.

Ordered that the Bill be read and the Bill was read and
will pass Endorsement made thereon viz.

By the Upper House of Assembly Sep^r the 3^d 1723

Read and will Pass

Sign'd p Order Sam^l Skippon Clk Up. Ho.

And the Bill so endorsed is sent to the Lower House by p. 21
Esq^r Hall

The Petition of some of the Inhabitants of S^t Ann's Parish
in Anne Arundel County praying that they may have Leave

U. H. J. to Build a Gallery at the West End of the Church at their own Expence, was read and the following Endorsement made thereon viz.

By the Upper House of Assembly Sept^r the 26th 1723

Read and recomended to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl. Upp. Ho.

Which Petition so Endorsed is sent to the Lower House by Col^o Tilghman

The Petition of Thomas Guibert setting forth sundry ag-grievances he now lyes under, and praying relief there from was read and the following Endorsement made thereon (viz)

By the Upper House of Assembly Sep^r the 26th 1723

Read and Recomendend to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl. Up. Ho:

Which Petition so Endorsed was sent to the Lower House by Col^o Addison

Four Engross'd Bills from the Lower House by Col^o Mackal and M^r Bozman viz.

p. 22 An Act for reviving an Act intituled an Act for raising a Duty of three Pence p Hogshead on all Tobacco Exported out of this Province for the uses therein mencon'd

An Act reviving and Continuing the Act for Ascertaining the Gauge & Tare of Tobacco Hogsheads &c^a

An Act reviving and Continuing an Act intituled an Act for regulating of Ordinaries.

An Act Reviving and Continuing an Act of Assembly intituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law all severally thus subscrib'd.

September the 26th 1723

Read and Assented to by the Lower House of Assembly &

Signed p Ord^r M Jenifer Cl. Lo. Ho.

Which Bills being read are likewise Assented to by this House and thus severally subscribed viz.

Sept^r the 26th 1723

Read and Assented to by the Upper House of Assembly and

Signed p order Sam^l Skippon Cl. Upp: Ho.

Then the House took into Consideration the Dangerous U. H. J. Consequences of the tumultuous meeting of Negroes referred from the last to this present Sessions of Assembly and the following message was prepared thereon viz.

By the Upper House of Assembly Sep^r the 26th 1723.

Gentlemen.

The Dangerous Consequences of the Tumultuous meeting of negroes Recomend^d to you last Session of Assembly and referred to this present Sessions, appearing every Day p. 23 Greater we again Earnestly recomend the same to your Consideration.

Signed p Order Sam^l Skippon Cl. Up. Ho.

Which Message was sent to the Lower House by Col^o Ward

Adjourned till morning

Friday Sep^r the 27th 1723

Present

His Honour the Governour

The honble	{	Col ^o W ^m Holland	Col ^o Rich ^d Tilghman	} Members of the Upper House
		Col ^o Sam ^l Young	Phile: Lloyd Esq ^r	
		John Hall Esq ^r	Col. M. Tilgh Ward	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
			Benj ^a Tasker	

The Petition of sundry of the Inhabitants of the Counties of Cecil, Kent, and Queen Annes, and Talbot Complaining of Several Losses by Robberies Committed by sundry idle people living among them, and praying Leave to bring in a Bill for their Relief, was read and the following Endorsement made thereon (viz.)

By the Upper House of Assembly 7^{br} the 27th 1723

Gentlemen.

We Judge the within Petition to be very Reasonable, and therefore recomend it to your Consideration

Signed p Order Sam^l Skippon Cl. Up. Ho.

The Petition of Patrick Sympson of London Town Merchant praying that Leave may be given him to bring in a Bill p. 24 to make Good some Defects in a deed of Gift from a Certain

U. H. J. Edward Burgess to his Eldest son Samuel Burgess was read and Endorsed as follows (Viz)

By the Upper House of Assembly September the 27th 1723

It is the opinion of this House that the Father or Guardian of the Minors mentioned in the Petition have notice Given them of the Purport of the Petition which, with the Petition we recomend to the Consideration of the Lower House of Assembly.

Signed p order Sam^l Skippon Clk Up. Ho.

The Peition of William Paine of Prince George's County a Prisoner, and also the Petition of William Linten Senior of Prince George's County praying leave to bring in a Bill to release them out of Prison were read and thus severally Endorsed (viz.)

By the Upper House of Assembly 7^{br} the 27th 1723.

We are of Opinion that your House are better Judges of the Truth of the Allegations of the within Petitions than we and therefore we recomend the same to your Consideration

Signed p order Sam^l Skippon Cl Up Ho.

All which Petitions as above Endorsed were sent to the Lower House by John Rousby Esq^r

Then the House went upon Consideration of the Bill intituled an Act for the Ease of the Inhabitants in Examineing Evidences relating to the Bounds of Lands, and in the manner of obtaining Injunctions which Bill being Read was thus endorsed.

p. 25 By the Upper House of Assembly Sept^r the 27th 1723

This Bill being read will pass with the following Amendments viz.

1 ★ Not being any way related to the Person Concerned nor any way Interested in the Land 2 ☉ That where any Person or Persons concern'd live out of the County, they have at least forty Days notice in the Parish where they live whether it be on that side of the Bay where the Land lies or not 3 That the form of the Bond be inserted in the Body of the Act. 4 That the same Allowances be made to the Commissioners and Evidences as are made to the Justices and Evidences in the County Courts.

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so Endorsed is sent to the Lower House by U. H. J.
M^r Tasker

The Petition of the Rector Church Wardens and Vestrymen of S^t Pauls Parish in Queen Anns County praying that some Provision may be made against several Discouragements and Hardships Complain'd of in said Petition was read and thus Endorsed viz.

By the Upper House of Assembly 7^{br} the 27th 1723

This Petition has been read and is recommended to the Consideration of the Lower House of Assembly.

Signed p Order Sam^l Skippon Cl Up Ho.

And the Petition so endorsed is sent to the Lower House p. 26
by Col^o Holland

The Petition of Edward Wright of Dorchester County praying that he may have an allowance made him for severall Services done the publick was read and thus endorsed viz.

By the Upper House of Assembly Sept^r the 27th 1723

Read and Recomendend to the consideration of the Lower House of Assembly

Signed p Ord^r Sam^l Skippon Cl. Up. Ho.

Which Petition soe endorsed is sent to the Lower House by Coll^o Young.

A Bill for the Relief of John Mackenzy of Talbot County from the Lower House by M^r Sherwood and M^r Bozman with this endorsement Viz.

By the Lower House of Assembly Sept^r the 27th 1723.

Read the first and Second Times by especial Order and will Pass.

Signed p Ord^r M: Jenifer Cl Lo: Ho:

Order'd that the said Bill be read, and the Bill was read, and the following Endorsement made thereon Viz.

By the Upper House of Assembly Sept^r the 27th 1723:

Read and will pass

Signed p Order Sam^l Skippon Cl. Up: Ho:

And Esq^r Hall was sent with the said Bill so endors'd to the Lower House together with the Original Bill repealing the p. 27 Acts Granting Allowance for Squirrels &c^a

U. H. J. An Engrossed Bill from the Lower House by Col^o Ward and M^r Courts intituled an Act for Repealing the several Acts of Assembly now in Force in this Province that give Allowance for Killing Wolves Crows and Squirrels so far as they relate to the killing Crows and Squirrels only Subscribed thus viz^t

September the 27th 1723

Read and Assented to by the Lower House of Assembly and
Signed p Order M. Jenifer Cl. Lo. Ho.

Which Bill being read is likewise Assented to by this House and thus Subscribed viz.

Sept^r the 27th 1723

Read and Assented to by the Upper House of Assembly and
Signed p Order. Sam^l Skippon Cl Up. Ho.

A Bill from the Lower House by M^r Oldham and M^r Bozman, for the Relief of George Robins of Talbot County Gentleman thus Endors'd Viz.

By the Lower House of Assembly Sept^r the 27th 1723

Read the first and second Times by especial Order and will
Pass

M. Jenifer Cl Lo. Ho.

Adjourn'd till morning.

Saturday Sept^r the 28th 1723.

Met according to Adjournment.

Present

p. 28	The honble Charles Calvert Esq ^r Governor			
The honble	{	Col ^o W ^m Holland	Col ^o Rich ^d Tilghman	} Members of the Upper House
		Col ^o Sam ^l Young	Col ^o M. Tilgh. Ward	
		John Hall Esq ^r	Jn ^o Rousby Esq ^r	
		Col ^o Tho ^s Addison	Benj ^a Tasker Esq ^r	
		Phile: Lloyd Esq ^r		

Order'd that the Bill for Relief of George Robins of Talbot County be read and the Bill was read and thus Endorsed Viz.

By the Upper House of Assembly Sept^r the 28th 1723

Upon Reading the within Bill we are of opinion that before the Bill pass, the Heirs at Law of Job Evans have notice given

them that if they have any thing to object against the passing U. H. J. of the Bill, they may be heard.

Sign'd p Ord^r Sam^l Skippon Cl Up. Ho.

Which Bill so Endorsed is sent to the Lower House by Col^o Addison

The Representation of some of the Justices of the Provincial Court complaining of the great Delay of Civil Business, by the great increase of Convicts and the Loss of Time by Reason of the Length of their Tryals and praying Relief therein, was read and thus Endorsed viz.

By the Upper House of Assembly Sept^r the 28th 1723

Read and Recomend^d to the Consideration of the Lower House of Assembly

Sign'd p Order Sam^l Skippon Cl. Up. Ho.

And so endorsed is sent to the Lower House by Col^o Tilgh- p. 29
man

The Petition of John Navarre praying that he may be allowed the Remainder of his account Due for Entertaining the Indians last Sessions, was Read and thus Endorsed (Viz.)

By the Upper House of Assembly Sept^r the 28th 1723

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up. Ho.

And being so Endorsed was sent to the Lower House by Col^o Ward

Col^o Holland is sent to the Lower House to Acquaint them that his Honour requires M^r Speaker and the whole House to attend him Immediately in the Council Chamber in order to see the Engross'd Bills Assented to and Sealed by his Honour.

And Accordingly M^r Speaker and the whole House attended and saw the following Acts Sealed with his Lordships greater seal of this Province and Assented to by his Honour the Governour on behalf of the Right Honorable the Lord Proprietarie of this Province viz.

1. An Act for reviving An Act intituled an Act for raising a duty of three Pence p hogshead on all Tobacco Exported out of this province for the Uses therein mention'd

2. An Act Reviving and Continuing the Act for Ascertain-
ing the Gauge and Tare of Tobacco Hogsheads

U. H. J. 3. An Act reviving and Continuing an Act intituled An
p 30 Act for Regulating Ordinaries

4. An Act Reviving and Continuing an Act of Assembly intituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law.

5 The Act for repealing the several Acts of Assembly now in force in this Province that give Allowance for killing Wolves, Crows and Squirrels so far as they relate to the Killing Crows and Squirrels only

And then his Honour was pleased to make the following Speech Viz.

Gentlemen of the Upper and Lower Houses of Assembly

I return you my hearty Thanks for the Unanimity you have shown in the Dispatch of those Affairs I laid before you at the Opening of this Session.

I have a matter to Recomend to you which may be of Great Service to the Province; It is a Trade with the Indians, To Accomplish which his Lordship in his Instructions, Com-manded me to use my Endeavours for Entring into a Treaty with the Northern Indians, & to make them a handsome present at his Lordships own Expence; In the making of which Treaty I was happily prevented by those Indians Com-ing Down to me and suing for such Terms and Stipulations of Peace, as will not only secure our frontier Inhabitants, but Promote the Trade for the Advantage of the People so
p. 31 that a lasting friendship is concluded with them for our In-habitants, and we have a very fair prospect for a Commerce

There is one obstacle on our side which at Present lays us under a great Disadvantage in that Trade; I mean the Duty on Furrs; which is recommended by his Lordship to you as being of Little advantage to the Free Schools, as his Lordship is inform'd and it Remains with you Gent: to Con-sider whether the taking off that Duty, and laying an Equiva-lent Duty on something else, would not be of greater ad-vantage to the province in General than as it now stands; I am very well convinced our neighbours have reap'd great Advantages, by their Trade with the Indians; and it is pity we should suffer other People to Profit by those Indians, whom (according to an Observation lately taken by his Lord-ship's Order, to Assert his Boundaries) I find to be in the Limits of Maryland.

Cha: Calvert

The Petition of Samuel Gover praying to be Relieved U. H. J. from a Fine of Eight Thousand P^{ds} of Tobacco for turning out seconds Contrary to an Act of Assembly, and Complaining of Injustice in the laying of the Fine was read and thus Endors'd viz.

By the Upper House of Assembly Sept^r the 28th 1723

The Petition with a Printed Case of the Petition^r (which we Believe some of the members of your House may have by them) having been read, we recommend it to your House to Consider, whether you will think it Proper to relieve the p. 32 Petitioner, or whether you will not rather think he ought to be Punished, as having Published a Libel against the Honour of your House, The Magistrate who gave Judgment, and the Evidences that appear'd against him

Signed p Order Sam^l Skippon Cl Up Ho.

And the Petition so Endorsed was sent to the Lower House by John Rousby Esq^r

Adjourned till Monday Morning

Monday Sept^r the 30th 1723.

Met according to Adjournment

Present

His Honour the Governour

The hon ^{ble}	{	Col ^o W ^m Holland	Col ^o Rich ^d Tilghman	} Members of the Upper House
		Col ^o Sam ^l Young	Col ^o M. Tilgh Ward	
		John Hall Esq ^r	John Rousby Esq ^r	
		Col ^o Tho ^s Addison	Benj ^a Tasker Esq ^r	
		Phile. Lloyd Esq ^r		

The Petition of Rachel Freeborn praying for Leave to bring in a Bill to Supply the Deficiencies in a deed of Robert Proctor to the Petitioner was read and thus endorsed Viz.

By the Upper House of Assembly Sept^r the 30th 1723

Read and referred to the consideration of the Lower House of Assembly

Signed p order Sam^l Skippon Cl Up Ho.

And the Petition so Endorsed is sent to the Lower House p. 33 by Benj^a Tasker Esq^r

Adjourned till morning

U. H. J.

Tuesday October the 1st

Met according to Adjournment

Present

His Honour the Governour

The honble	{	Col ^o Sam ^l Young	Col ^o M. Tilgh. Ward	} Members of the Upper House
		John Hall Esq ^r	James Bowles Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		Col ^o Rich ^d Tilghman	Benj ^a Tasker Esq ^r	
		Phile. Lloyd Esq ^r		

The Petition of Samuel Skippon Clerk praying for Leave to bring in a Bill to enable him and his Successors to lease out for a Term of Years, three Certain Lots in the City of Annapolis in order to their improvem^t was read and thus Endors'd Viz.

By the Upper House of Assembly Oct^r the 1st 1723

Read and Recommended to the Consideration of the Lower House of Assembly

Signed p order Sam^l Skippon Ct Up: Ho:

And the Petition so Endorsed is sent to the Lower House by Col^o Young

The Petition of James Carroll praying that he may have a Legal Tryal before a Court of Justice and not before a single Magistrate was read and Endors'd (Viz.)

p. 34 By the Upper House of Assembly Oct^r the 1st 1723

Read and Referred to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Clk. Up. Ho.

The Petition of Charles Diggs Complaining of suffering unheard in the Sum of two Thousand Pounds of Tobacco by an Information against him for having Damaged Tobacco, and praying Relief, and also

The Petition of W^m Diggs to the same Purpose were Read and Endorsed (viz.)

By the Upper House of Assembly October the 1st 1723.

Read and referred to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up: Ho:

And then the following message was prepared (Viz.) U. H. J.

By the Upper House of Assembly October the 1st 1723
Gentlemen.

Upon Reading the Petitions herewith sent and to prevent Applications of this nature for the future, we are of Opinion that it would be very proper to prepare a short Bill granting to such persons as shall think themselves Injured a Liberty to Appeal from the Judgm^t of a Single Magistrate to the County Court.

Sign'd p Order Sam^l Skippon Cl Up. Ho.

Which Message wth the three Petitions above mentioned was sent to the Lower House by Jn^o Hall Esq^r

The Petition of John Hall Esq^r and Phillis Temple an Orphan praying for Leave to bring in a Bill to relieve them against the Determinations of the Land Comissioners in the Survey of a Tract of Land Called Friendship in Baltemore County was read and Endorsed viz.

By the Upper House of Assembly Oct^r the 1st 1723.

Read and Recommended to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up Ho.

Which Petition so endorsed with the Plat, and several other Papers relating thereto was sent to the Lower House by John Hall Esq^r

Two Engrossed Bills from the Lower House by Col^o John Mackal and one more (viz.)

An Act to prevent the great Evils arising by the Importation of Convicts into this Province and for the better Discovery of such when Imported,

An Act for the Relief of John Mackenzey of Talbot County the first thus endorsed Viz.

October the 1st 1723

Read and Assented to by the Lower House of Assembly and

Sign'd p ord^r M: Jenifer Cl. Lo. Ho.

The other thus

Sept^r the 30th

Read and Assented to by the Lower House of Assembly &

Sign'd p Order M. Jenifer Cl Lo. Ho.

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U. H. J. Which Bills being read are likewise Assented to by this
p. 36 House and thus Subscribed (Viz.)

October the 1st 1723

Read and Assented to by the Upper House of Assembly and
Sign'd p Order Sam^l Skippon Cl Up Ho.

A Bill from the Lower House by M^r Tyler and M^r Gant
intituled An Act for Relief of Elizabeth Major of Prince
George's County by impowering her notwithstanding her
Coverture, to Lease for her life the Lands therein mentioned,
thus Endors'd (viz.)

By the Lower House of Assembly Oct^r the 1st 1723

Read the first and second Times by especial Order and
will Pass.

Signed p Order M. Jenifer Cl. Lo. Ho.

Ordered that the Bill be read and the Bill was read and the
following Endorsement made thereon viz.

By the Upper House of Assembly October the 1st 1723

Read and will Pass.

Signed p Order Sam^l Skippon Clk Up Ho.

Adjourn'd till Morning

Wednesday Oct^r the 2^d

Met According to Adjournment.

Present

His Honour the Governour

The honble	{	Col ^o Sam ^l Young	Col. M. Tilgh Ward	} Members of the Upper House
		John Hall Esq ^r	James Bowles Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		Phil. Lloyd Esq ^r	Benj ^a Tasker Esq ^r	
		Col ^o Rich ^d Tilghman		

p. 37 The Bill for Relief of Elizabeth Major as Endorsed yes-
terday with the Originals of the two Engross'd Bills sent
to the Lower House by Col^o Addison

The Petition of William Dobson and also the Petition of
Henry Bailey, praying to be heard against a Bill past in the

Lower House in favour of Thomas Sanders and Rebecca U. H. J. his Wife, were Read and Endorsed viz.

By the Upper House of Assembly October the 2^d
Read and Granted.

Signed p Order. Sam^l Skippon Cl Up Ho.

An Engrossd Bill from the Lower House by M^r Waughop & M^r Jordan entituled an Act for the Ease of the Inhabitants in examining Evidences relating to the Bounds of Lands and the manner of obtaining Injunctions thus Subscribed (Viz.)

October the 2^d 1723

Read and Assented to by the Lower House of Assembly and
Sign'd p Order M. Jenifer Cl Lo. Ho.

Which Bill being Read is also Assented to by this House and thus Subscribed (Viz.)

October the 2^d 1723

Read and Assented to by the Upper House of Assembly and
Signed p Order Sam^l Skippon Cl Up Ho.

A Bill from the Lower House by M^r Sherwood and M^r Oldham for the Relief of George Robins of Talbot County thus further endorsed Viz.

By the Lower House of Assembly October the 2^d 1723

The Heirs at Law having had notice of the within Bill, p. 38 who answers that they know nothing concerning the Lands mentioned, This House are willing the same should pass.

Signed p Order M Jenifer Clk Lo. Ho.

Ordered that the Bill lie on the Table till to morrow morning.

The Petition of John Medcalfe a Languishing Prisoner praying to be Enlarged from his Confinement, was read and thus Endorsed Viz.

By the Upper House of Assembly October the 2^d 1723

We think it would be proper to give timely notice to the Creditors of the within named John Medcalfe of the intent of his Petition which wth the Petition we refer to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up Ho.

U. H. J. Which Petition so Endorsed was sent to the Lower House
by Col^o Tilghman
Adjourn'd till Morning

Thursday October the 3^d 1723

[Present]

The Honble	{	Col ^o Sam ^l Young	Col ^o Rich ^d Tilghman	} Members of the Upper House
		John Hall Esq ^r	Col ^o M. Tilgh Ward	
		Col ^o Tho ^s Addison	James Bowles Esq ^r	
		Phile: Lloyd Esq ^r	John Rousby Esq ^r	
			Benja Tasker Esq ^r	

Ordered that the Bill for the Relief of George Robins be
Endorsed and the Bill was Endorsed thus Viz.

By the Upper House of Assembly October the 3^d 1723
Read and will Pass.

Sign'd p Order Sam^l Skippon Cl. Up. Ho.

p. 39 The Bill so Endorsed with the Original Bill brought from
the Lower House yesterday by M^r Waughop and M^r Jordan
was sent to the Lower House by Philemon Lloyd Esq^r

The Petition of Tho^s Howell Rector of Great Choptank
and some other Inhabitants of Dorchester County complain-
ing that by a Resurvey made by Order of Assembly in Novem-
ber 1721 all their improvements and the Greatest part of their
Lands were included within the Indians Lines, to their great
Prejudice and Utter Ruin of some and praying Relief therein,
was read, and referred to further hearing in a full House.

A Bill from the Lower House by M^r Tyler and M^r Sher-
wood Intituled an Act to try all Crimes within the several
Counties where they are Comitted thus Endors'd viz.

By the Lower House of Assembly Sept^r 28th 1723
Read the first Time and Ordered to lye on the Table
Signed p Ord^r M: Jenifer Clk Lo. Ho.

And Lower Down thus viz.

By the Lower House of Assembly Oct^r the 3^d 1723
Read the second time and will Pass.
Signed p Order M. Jenifer Cl Lo. Ho.

Ordered that the Bill be read, and the Bill was read and U. H. J. ordered to lye on the Table

A Bill from the Lower House by M^r Stoddart and three more intituled an Act for the Advancement of Justice, thus Endorsed (viz.)

By the Lower House of Assembly Oct^r the 3^d 1723 p. 40

Read the first and second times by especial Order and will Pass

Signed p Order M Jenifer Cl Lo Ho.

Ordered that the Bill be read and the Bill was read & Ordered to lye on the Table.

The Petition of Tho^s Reynolds praying to be Relieved from Sundry grievances Complained of therein was read and Endorsed (viz.)

By the Upper House of Assembly Oct^r the 3^d 1723

Read and referred to the Consideration of the Lower House of Assembly their Charity

Signed p Order Sam^l Skippon Cl. Up. Ho.

Which Petition so endorsed is sent to the Lower House by Col^o Ward

Adjourn'd till Morning

Friday Oct^r the 4th 1723

Met According to Adjournment.

Present

The Honourable Charles Calvert Esq^r Governor

The honble	{	Col ^o Sam ^l Young	Col ^o M. Tilgh Ward	} Members of the Upper House.
		John Hall Esq ^r	James Bowles Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		Phile: Lloyd Esq ^r	Benj. Tasker Esq ^r	
		Col ^o Rich ^d Tilghman		

The Petition of Samuel Skippon praying that the provincial library now lying on Heaps in the Council House may be placed upon Shelves to prevent the Books from being Destroyed by the Injuries of the weather, and in order to make

U. H. J. them usefull to the Province, was read and thus endorsed
(viz.)

By the Upper House of Assembly Oct^r the 4th 1723.

Read and Recommended to the Consideration of the Lower
House of Assembly

Signed p Order Sam^l Skippon Cl Up. Ho.

Which Petition so endorsed was sent to the Lower House
by Esq^r Bowles

An Engrossed Bill from the Lower House by M^r Bozman
and M^r Sherwood, intituled an Act for the Relief of George
Robins of Talbot County Gent Assented to by the Lower
House, and Subscribed thus (Viz.)

October the 4th 1723

Read and Assented to by the Lower House of Assembly and

Sign'd p Order M: Jenifer Cl Lo: Ho.

Which Bill was likewise Assented to by this House and
Subscribed thus viz^t

October the 4th 1723

Read and Assented to by the Upper House of Assembly and

Signd p Order Samuel Skippon Cl Upp: Ho.

Then the Bill for Advancement of Justice was Read again
and Endors'd as follows viz:

By the Upper House of Assembly Oct^r the 4th 1723

The Bill will pass with the following Amendm^{ts} (Viz.)

p. 42 1st That instead of these words × determinable in Chan-
cery the Justices may) the following words be inserted (viz)
of sufficient Value to remove the same into Chancery, the
Justices of the County Court where such Actions shall be
brought, may and shall (at the Prayer of either Plaintiff or
Defendant, either before or after a Judgment or Verdict
of a Jury at Common Law)

2 That a Clause be added to Ascertaine the Attorney's
fees in Equity in the County Court to one hundred Pounds
of Tobacco.

Sign'd p Order Sam^l Skippon Cl Up Ho.

Which Bill with the Endorsement is sent to the Lower
House by Col^o Ward and Esq^r Rousby

Adjourned till morning

Saturday October the 5th 1723

U. H. J.

Met according to Adjournment.

Present

The Honble Charles Calvert Esq^r Governour

The honble	{	Col ^o Sam ^l Young	Col M. Tilgh. Ward	} Members of the Upper House
		John Hall Esq ^r	Ja ^s Bowles Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		Phile. Lloyd Esq ^r	Benj. Tasker Esq ^r	
		Col ^o Rich ^d Tilghman		

A Bill from the Lower House by M^r Oldham & M^r Bozman entituled an Act empowering Trustees to make Sale of the Lands therein mentioned, late the Lands of Thomas Clements of Talbot County Deceased for the uses in the Will of the said Thomas Clements mentioned thus Endors'd viz.

By the Lower House of Assembly October the 4th 1723. p. 43

Read the first time and Ordered a second reading to Morrow

Signed p Order M: Jenifer Cl Lo. Ho.

And Lower thus

By the Lower House of Assembly Oct^r the 5th 1723.

Read the second Time and will pass.

Sign'd p Order M: Jenifer Cl Lo: Ho.

Ordered that the Bill be read and the Bill was read and Ordered to lye on the Table.

Then the Petition of M^r Howell Rector of Great Choptank and several others the Inhabitants of Dorchester County was read Again and Ordered to lye on the Table the matter recomended therein being already before the Lower House of Assembly.

A Message from the Lower House by Cap^t Harrison and M^r King, endors'd upon the Petition of Samuel Skippon relating to the Provincial Library which is as follows (viz^t)

By the Lower House of Assembly Oct^r the 5th 1723.

May it Please Yo^r Hon^{rs}

On Reading the within Petition this House are willing that some Care should be taken for the preservation of the Provincial Library and for that End Propose that there be Cases fix'd to the Wainscoting in the Conference Chamber, wth Strong Shelves and Partitions thereon to preserve the p. 44

U. H. J. Books from Racking, both to be at Convenient Distances with sliding Doors sash'd; and desire to know if your Honours will be pleased to Concur with us in our proposals that some speedy Care may be taken therein, and that if your Hono^{rs} see fit, one of the Members of your House may be Joyn'd with some of the Members of our House, to Agree with proper Workmen to proceed thereon Immediately

Signed p Order M. Jenifer Cl Lo. Ho.

Which Message being Read is Agreed to by this House and Col^o Tho^s Addison is appointed to be Joyned with some of the members of the Lower House and the following Message prepared thereon

By the Upper House of Assembly 8^{br} the 5th 1723
Gentlemen

We Agree with your House in your Proposals in your message this Day by Captain Harrison and M^r King and Col^o Tho^s Addison a Member of this House is appointed to be Joyned with some of the Members of your House to Agree with Proper Workmen to proceed on the work proposed Immediately who is now ready to proceed thereon in Conjunction with them

Sign'd p Order Sam^l Skippon Cl. Up Ho.

Which Message was sent to the Lower House by M^r Tasker
A Message from the Lower House by M^r Courts and M^r Tolley viz.

p. 45 By the Lower House of Assembly 8^{br} the 5th 1723
May it Please Yo^r Honours

Several Members of this House having Complained that they have Lost their Horses through the Negligence of Rich^d Young the Gate Keeper, this House are desirous that the said Young should be removed from that Office and that your Hon^{rs} will be pleased to Joyn with us in removing the said Young and appointing some other proper person in his Stead

Signed p order M: Jenifer Cl Lo. Ho.

Which message being read the following Answer was prepared (Viz)

By the Upper House of Assembly Oct^r the 5th 1723
Gentlemen

We are Ready to Join with you in any proposalls you shall think for the Good of the Countrey; but forasmuch as we are

at present ignorant of the Reasons which induce your House ^{U. H. J.} to Remove Richard Young from the Office of Gate Keeper, we are desirous first to hear and be satisfied in what has been alledg'd ag^t him before we Joyn wth your House in your Proposals

Sign'd p ord^r Sam^l Skippon Clk Up Ho.

Which Answer with the Original Bill for the Relief of George Robins are sent to the Lower House by M^r Tasker.

Then the Bill for the Sale of the Lands of Thomas Clements for the uses therein mentioned was Read and W^m Dobson ^{p. 46} and Henry Baily Petitioners ag^t the said Bill being heard by their Council the Question was put whether the said Bill should be Received or Rejected and Resolved Nemine Contradicente that the Bill be rejected, the said Thomas Clements and Rebecca his wife having their Remedy in Chancery.

Adjourned till morning

Monday October the 7th 1723.

Met According to Adjournment

The Hon^{ble} Charles Calvert Esq^r Governor

the honble	{	Col ^o Sam ^l Young	Col ^o Rich ^d Tilghman	} Members of the Upper House.
		Jn ^o Hall Esq ^r	Col ^o M. Til Ward	
		Col ^o Tho ^s Addison	James Bowles Esq ^r	
		Phile. Lloyd Esq ^r	John Rousby Esq ^r	
			Benj. Tasker Esq ^r	

A Message from the Lower House by Col^o Mackall and three more (viz.)

By the Lower House of Assembly Oct^r the 7th 1723

May it Please yo^r Honours

This House Having resolved to proceed on the Affair of the Indians Lands and to bring in a Bill pursuant to your Honours Message last Assembly relating thereto giving leave to the Proprietors of any Lands within the Indian Bounds whose Grants are Prior to the Indians, and who have really received no Satisfaction therefore, to purchase from the Indians on as Reasonable Terms as they Can; and that the Agreements for the purchase be made before some Magistrate of the County where the Land lies, not being of kin ^{p. 47} to the Party Purchasing desires that your Honours will be

U. H. J. pleased to Appoint some of the members of your House to Join with Col^o John Mackall M^r Robert Tyler M^r Thomas Gant and M^r Robert King of our House in a conference on the Subject matter of the Bill to be prepared

Signed p ord^r M. Jenifer Cl Lo. Ho.

Which Message being read the following ans^r was prepared thereto viz.

By the Upper House of Assembly October the 7th 1723
Gentlemen.

Pursuant to our former Message of October the 25th 1722 and your Message this Day by Col^o Mackall and three more this House does appoint Col^o Thomas Addison and Philemon Lloyd Esq^r two of our members to be Joyned in a Conference with Coll^o John Mackall M^r Robert Tyler, M^r Thomas Gant and M^r Robert King members of your House on the Subject matter of the Bill to be prepared relating to the Affair of the Indians Lands and they are ready to meet the members of your House at M^r Bowes's Immediately

Signed p Order Samuel Skippon Cl Up Ho.

Which Answer is sent to the Lower House by Col^o Addison and Esq^r Lloyd

p. 48 A Message from the Lower House by M^r Edward Wright and M^r John Courts (viz.)

By the Lower House of Assembly October the 7th 1723.
May it please Yo^r Hono^{rs}

Your Honours may Remember that towards the close of the Last Sessions we Agreed to the Continuance of Richard Young meerly in Regard to your Honours Recommendation after a repeated Resolution of our House to remove him, upon Condition that he should behave himself well, and give Security for so doing; neither of which has been Complied with by him but on the Contrary, divers Complaints have been made against him, as well by several of the members of our own House for the Loss of their Horses, as by the Inhabitants of Annapolis for divers Abuses Committed by him to the Great Prejudice of the Corporation, all which have been made Appear which we conceive to be sufficient Reasons for his amotion

Signed p Order M. Jenifer Cl. Lo. Ho.

Which message being Read the following answer is pre- U. H. J.
pared thereto (Viz)

By the Upper House of Assembly October the 7th 1723.
Gentlemen.

In all Cases which Require our consent it is necessary that we should be fully Acquainted with Every Thing relating thereto, especially when the matters brought before us are of Importance but the Removal of Richard Young from the Office of Gate keeper being of small moment to the Province and the Examination into Every Thing that may be alledg'd ag^t him being likely to take up a great Deal of time, we Consent to his Removal, not doubting but that your House has taken the Care necessary in that Particular. p. 49

Signed p Order Sam^l Skippon Cl Up: Ho:

Which answer was sent to the Lower House by Col^o Young

The Petition of the Rev^d M^r Tho^s Howell Rector of Great Choptanck and others the Inhabitants of Dorchester County &c was read again and thus Endorsed viz.

By the Upper House of Assembly Oct^r the 7th 1723

Read and Referred to the Consideration of the Lower House of Assembly

Signed p order Sam^l Skippon Cl Up Ho.

Which Petition so endors'd is sent to the Lower House by Col^o Tilghman

A Message from the Lower House by M^r Oldham and M^r Bozman (viz.)

By the Lower House of Assembly Oct. the 7th 1723
May it please your Honors

Whereas several Ancient Papers, Records and Registries of Towns in this Province are now Lodged in the Hands of Private persons, so that they cannot regularly be Come at, this House desires your Honours will be pleased to Joyn with us in an Ordinance obliging the several Persons in whose Hands any of the Town Records or other Papers relating to the Towns are, to deliver the same to the several County Clerks to be Lodg'd and kept as Records in the Counties where the several Towns lye and that the Receits of the County Clerks shall be sufficient to discharge the said Persons, in whose Hands such Records or other Papers shall be p. 50

Sign'd p Order M: Jenifer Cl. Lo. Ho.

U. H. J. To which Message the following answer was prepared viz.

By the Upper House of Assembly October the 7th 1723
Gentlemen.

This House Concurs with your House in an Ordinance to be drawn up oblidging the several Persons in whose Hands any of the Town Records or other Papers relating to the Towns are, to deliver the same to the County Clerks as Propos'd in your Message to Day by M^r Oldham and M^r Bozman.

Signed p Order Sam^l Skippon Cl Up. Ho.

A Bill from the Lower House by M^r George Dent and M^r Hudson intituled an Act Repealing such part of an Act of Assembly intituled an Act for laying an Imposition on several Commodities Exported out of this Province, as relates to the laying an Impost or Duty on Furrs and skins only and for
p 51 laying an Imposition on Pork Pitch and Tar, in Lieu thereof, thus Endorsed Viz.

By the Lower House of Assembly 8^{br} the 7th 1723

Read the first and second time by Especial Order and will Pass.

Signed p Order M. Jenifer Cl Lo Ho.

The Petition of Tho^s Howell &c. from the Lower House by Captain Hooper and M^r Bozman thus further Endorsed Viz.

By the Lower House of Assembly Oct^r the 7th 1723

The Petition being Read it is the opinion of this House that the same be Referr'd to the Consideration of the Gent Conferrees appointed on the Indian Affairs and desire that the same be Referr'd accordingly

Signed p Ord^r M Jenifer Clk Lo. Ho.

Which Endorsement being Read the House Agreed thereto and the petition was thus further Endors'd viz.

By the Upper House of Assembly Oct^r the 7th 1723.

Referred to the Gentlemen Conferrees on the Indian Affairs

Sign'd p Order Sam^l Skippon Cl Up Ho.

Adjourn'd till Morning

Tuesday Oct^r the 8th 1723

U. H. J.

Met according to Adjournment

Present

His Honour the Governour

p. 52

The hon ^{ble}	{	Col ^o Sam ^l Young	Col ^o M. Tilgh: Ward	} Members of the Upper House
		Col ^o Tho ^s Addison	James Bowles Esq ^r	
		Phile: Lloyd Esq ^r	John Rousby Esq ^r	
		Col ^o Rich ^d Tilghman	Benj. Tasker Esq ^r	

A Message prepared yesterday in Answer to a Message from the Lower House the same day by M^r Oldham and M^r Bozman was sent to the Lower House by Esq^r Bowles

Then the House Ordered the Bill for laying an Imposition on Pork, Pitch, and Tarr in Lieu of the Duty on Furs to be read and the following Endorsement made thereon viz.

By the Upper House of Assembly Oct^r the 8th 1723

This Bill will pass with the following amendments (Viz)

By the Rector and Visitors of the Free School according to the Directions of an Act of Assembly Relating to Free Schools made at a Session of Assembly begun and held at Annapolis in October 1695 intituled to the Kings most Excellent Majesty &c.

Sign'd p Order Sam^l Skippon Cl. Up Ho.

And the Bill so Endors'd is sent to the Lower House by Esq^r Rousby

A Bill from the Lower House by M^r Walter Smith and M^r W^m Young intituled an Act for the Relief of W^m Jarvis and W^m Griffin Languishing Prisoners in Calvert County thus endors'd (Viz.)

By the Lower House of Assembly October the 8th 1723 p. 53

Read the first and second Times by especial Order and will Pass

Sign'd p Order M. Jenifer Cl Lo. Ho.

Ordered that the Bill be read and the Bill was read & thus endorsed viz.

By the Upper House of Assembly Oct^r the 8th 1723

Read and will pass.

Sign'd p order Sam^l Skippon Cl Up. Ho.

U. H. J. And the Bill so Endorsed was sent to the Lower House by M^r Tasker

The Petition of Thomas Cobb a Languishing Prisoner in the Goal of Annapolis complaining that he was arrested and imprisoned by a Certain Nehemiah Beckwith on purpose to vex him and put him to Trouble, and praying to be relieved therefrom was read and referred Viz.

By the Upper House of Assembly Oct^r the 8th 1723
Read and Referred to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up. Ho.

And the Petition so endors'd is sent to the Lower House by Col^o Young

The Petition of Mary Boyd of Prince George's County praying Leave to bring in a Bill to make good the Deficiency in the Will of a Certain Thomas Lynch of said County and to Confirm the said Will was read & Endorsed viz.

p. 54 By the Upper House of Assembly October the 8th 1723
Read and Recommended to the Consideration of the Lower House of Assembly

Signed p Order Sam^l Skippon Cl Up Ho.

Which Petition so endorsed is sent to the Lower House by Col^o Tilghman

An Engrossed Bill from the Lower House by Col^o Mackal and M^r Walter Smith, Intituled an Act for the relief of W^m Jarvis and W^m Griffin Languishing Prisoners in Calvert County thus Subscribed viz.

October the 8th 1723

Read and Assented to by the Lower House of Assembly and
Signed p order M. Jenifer Clk Lo. Ho.

Which Bill being read is Likewise Assented to by this House and thus Subscribed (viz.)

October the 8th 1723

Read and Assented to by the Upper House of Assembly and
Signed p order Sam^l Skippon Cl Up Ho.

Adjourned till morning

Wednesday October the 9th 1723

U. H. J.

Met According to Adjournment

Present

The Honble Charles Calvert Esq^r Governor

The honble	{	Col ^o Sam ^l Young	Col ^o M. Til. Ward	} Members of the Upper House.
		Col ^o Tho ^s Addison	Ja ^s Bowles Esq ^r	
		Phile: Lloyd Esq ^r	Jn ^o Rousby Esq ^r	
		Rich ^d Tilghman	Benj ^a Tasker Esq ^r	

The Petition of John Clements of Dorchester praying Leave p. 55
to bring in a Bill for his Release out of Prison upon a delivery
of every Thing he has in the World towards the satisfaction
of his debts was read and thus Endorsed (Viz.)

By the Upper House of Assembly Oct^r the 9th 1723

Read and Referred to the Consideration of the Lower
House of Assembly

Signed p Order Sam^l Skippon Cl Up. Ho.

Which Petition so endorsed is sent to the Lower House by
Col^o Ward

A Bill from the Lower House by M^r Benj^a Mackall and
M^r W^m Young intituled an Act for the Relief of such persons
as have already suffered or hereafter may suffer by the mis-
conception of the Laws heretofore made to regulate the
making of Tobacco thus Endorsed (Viz.)

By the Lower House of Assembly Oct^r the 9th 1723

Read the First time and Ordered to lye on the Table

Signed p order M Jenifer Clk Lo Ho.

And Lower thus (viz)

By the Lower House of Assembly Oct^r the 9th 1723

Read the second Time and will pass.

Signed p Order M Jenifer Cl Lo. Ho.

Ordered that the Bill be Read and the Bill was read the first
Time

The Honoble Col^o Tho^s Addison and Philemon Lloyd Esq^r p. 56
Appointed by this House to confer with Col^o John Mackall
M^r Robert Tyler M^r Robert King and M^r Thomas Gant
Members of the Lower House on the Affair of the Indians'

U. H. J. Lands give in their Report of the conference to the House
w^{ch} was read and is as followeth

At a Conference held at the House of M^r Francis Bowes
at the Citty of Annapolis on Monday the 7th Day of October
Anno Domini 1723 to Examine into the Indians Lands upon
Nanticoke and Choptank Rivers

Of the Upper House of Assembly

The honourable { Col^o Thomas Addison } Present
 { Philemon Lloyd Esq^r }

Of the Lower House of Assembly

Col^o John Mackall }
M^r Robert King } Present
M^r Robert Tyler }
M^r Tho^s Gant }

Who made Choice of the honourable Col^o Thomas Addison
Chairman, And John Gresham Junior Clerk

Adjourned till Tuesday Morning seven of the Clock

Met According to Adjournment

And Upon Enquiry into what Right the Nanticoke Indians
have to the Lands they now live upon; it is found, that they
p. 57 inhabited and had Cabbins upon Chicacoan Creek in the
Year 1668 as in Liber H H Land Council Book fol. 296 And
in the year 1678 as in Liber R R Land Council Book fol 166

It Appears further that in the year 1684 Commisioners
were appointed by his Lordship the Lord Proprietary of this
Province to Assign, and lay out for the said Nanticoke Indians,
a certain Tract or Parcel of Land upon Nanticoke River of
which the Tract lying between the Northwest Fork of Nanti-
coke River and Chicacoan Creek now in the Possession of
those Indians, and Granted them by an Act of Assembly of
this Province made in the Year 1698 we conceive to be a Part.

Whereupon it is the opinion of the Conferrees that the
Nanticoke Indians and their Descendants so long as they
shall claim the same shall enjoy a peaceable and uninterrupted
possession of that Tract of Land lying between the Northwest
Fork of Nanticoke River and Chicacoan Creek aforesaid as
the same is butted and bounded by a Certain Act of Assem-
bly of this Province made at Annapolis in the year 1698 as
appears by the Book of Laws fol 166 and that the said
Indians be not allowed to lease any Part or Parcell thereof
upon any Terms whatsoever

It is further the opinion of the Conferrees that the Survey U. H. J. of the Choptank Indians Lands made by the Honoble Phile- p. 58 mon Lloyd Esq^r Col^o Rich^d Tilghman and Col^o M. Tilgh. Ward is pursuant and Agreeable to the Design of the Act of Assembly made at S^t Marys in the Year 1669 as appears in W H fol 34 By which the said Land was Granted to the said Indians.

Wherefore we are of opinion

That no Leases already made shall continue longer then seven years.

That the People concern'd in such Leases be Oblidged to pay the Rents Contracted for.

That the Indians shall not for the future, sell or lease any Land upon any pretence whatsoever

That all Leases or Sales since November 1721 be void With Proviso to make good and Valid all Surveys and Purchases already bonafide made since November 1721 of Lands which lye to the westward of Bear Skin Creek and to the Southward of the Indians Bounds as they were heretofore laid out by Col^o Tho^s Smithson and Lieu^t Col^o Thomas Ennals pursuant to an Ordinance of Assembly

Signed p Order Jn^o Gresham Jun^r Clk.

A message from the Lower House by M^r Crabb and M^r King viz.

By the Lower House of Assembly October the 9th 1723. p 59
May it Please Yo^r Hono^{rs}

We have taken into Consideration the Report of the Conferrees that were appointed to Examine into the Indian Lands, upon Nanticoke and Choptank Rivers and concurr therewith in all its parts, except that the Indians should not be allowed to sell or Lease any Part or Parcell thereof upon any Terms whatsoever, which as it would prevent those that have Prior Grants to the Act of Assembly past in favour of the Indians and have not (that appears) Received any Satisfaction for the same, to purchase from the Indians, we conceive would be a very Great Hardship on them, first to take away their Lands for a publick Good, and neither make them a Recompence for them nor suffer them to purchase the Incumbrance at the best Terms they Can.

Signed p ord^r M Jenifer Cl Lo Ho.

An Engrossed Bill from the Lower House by M^r Oldham and M^r Hudson Intituled an Act Repealing such part of an

U. H. J. Act of Assembly Intituled an Act for laying an Imposition on sev^{all} Commodities Exported out of this Province as Relates to the laying an Impost or Duty on Furrs and Skins only and for laying an Imposition on Pork, Pitch and Tarr in Lieu thereof thus Subscribed viz.

October the 9th 1723

p. 60 Read and Assented to by the Lower House of Assembly and
Sign'd p Order M: Jenifer Cl Lo. Ho.

Which Bill being Read is also Assented to by the Upper House and thus Subscribed (Viz.)

October the 9th 1723

Read and Assented to by the Upper House of Assembly and
Sign'd p Order. Sam^l Skippon Cl Up Ho.

Then the House took into Consideration the Message of the Lower House relating to the conference on the Affair of the Indians' Lands, and prepar'd the following answer thereto (viz.)

By the Upper House of Assembly October the 9th 1723
Gentlemen.

p. 61 On Reading your message Relating to the Report of the Conferrees that were appointed to Examine into the Affair about the Indian Lands we are of opinion that the Exception you make to that part of the Report which prohibits the Selling or Leasing of those Lands will render any Law now to be made for securing the Indians Rights to their Lands Insignificant, and make their circumstances worse than they now are. For we all know the natural failing of those People to be such as that when they are in Drink designing persons may purchase any thing they have at what Rates they please some Instances whereof We have already had which we take to be the Occasion of proposing a Law to be made relating to them And should the Indians be permitted to sell and Lease all their Lands (w^{ch} in a Little Time we have Reason to fear they would) the Consequence would be, that the Country must be at the Expence of purchasing more for them, or that they must Remove farther Back amongst other Nations of Indians, and carry with them their Resentments against us for having deprived them of their Lands here, which would prompt them to Revenge themselves and Induce other nations of Indians to Joyn with them, and might prove very prejudicial to us and our neighbouring Colonies. As to the Hardships

done to those persons who have Grants for Lands within the U. H. J. Indian Bounds of an Elder date than the Act of Assembly w^{ch} Confirms the Indians' Lands to them we hope the Justice of the Legislature at that time was such that they would not deprive any man of his Property without just Cause and therefore we ought to believe that either the Proprietors of those Lands had a Compensation some way or other made for them for their Rights till the same should Revert to them or their Heirs again by the Desertion, of the Indians, or rather that the Indians were Actually residing upon those Lands by the Consent of the Government, when they were taken up, and for that reason thought by the Legislature to have a more p. 62 Equitable Right than those who were but intruders upon them Besides if the Proprietors of those Lands at the Time of making the Law had been able to make it Appear that there was any Injustice done them, we doubt not but they would immediately apply themselves to that, or the next Succeeding Assembly for Relief, which we Cannot find they ever did. For which Reasons we hope your House will concur with ours in Approving the Report of the Conferees.

Signed p Order Sam^l Skippon Clk Up Ho.

And the Answer so prepar'd was sent to the Lower House by James Bowles Esq^r

Col^o Holland on Behalf of himself and the Rest of the Members of this House Deliver'd to the Hon^{ble} Charles Calvert Esq^r their Answer to his Honours second speech made to both Houses on Saturday September the 28th which Answer is as follows (viz)

To the Hon^{ble} Charles Calvert Esq^r Governour of Maryland &c^a

By the upper House of Assembly
May it please your Hon^r.

We Esteem it our Happiness that our proceedings in the Dispatch of those Affairs you were pleas'd to lay before us, at the opening this Sessions has met with your Honours approbation, and we assure you we shall endeavour to answer your Expectation in what you have now Recomend^d to us, with a p. 63 gratefull sence both of his Lordship's Goodness and your kind Endeavo^{rs} for the Good of this Province

Sign'd p ord^r Sam^l Skippon Cl. Up: Ho.

Adjourned till Morning

U. H. J.

Thursday October the 10th 1723.

Met according to Adjournment

Present

His Honour the Governor

The honble	{	Col ^o Samuel Young	Col ^o M. T. Ward	} Members of the Upper House
		Col ^o Thomas Addison	James Bowles Esq ^r	
		Philemon Lloyd Esq ^r	John Rousby Esq ^r	
		Col ^o Richard Tilgh- man	Benjamin Tasker Esq ^r	

Upon Consideration of the Resolution of the Lower House not to make any allowances to the members of this House when they acted as his Ld^{ps} Council of State, this House order'd the following message to be prepar'd (viz)

p. 64 By the Upper House of Assembly Oct^r the 10th 1723
Gentlemen

The usual Allowance for Attendance as a Council of State being Denied to some of the members of our House by the Committee of Accounts gives occasion to so much the greater Surprize, as your Resolution therein comes so unexpectedly. For by the Long continuance thereof we had a great Deal of Reason to be of Opinion that your House had been fully convinced of the Reasonableness as well as Justice of those Allowances, made on Account of our Attendance upon Emergencies of Government; seeing that you Cannot be insensible, that the interest and Commonweal of this Province are so Interwove and inseperably United to that of our Lord Proprietary; That there can be no Seperation without hazarding the Dissolution of the whole nor Could we have imagined that your House would have fallen upon any measures as should give the Least Umbrage of Discouraging our faithfull services to his Lordship for the Common Good of the Inhabitants of this Province, either by Denying us such Reasonable and Customary Allowances as barely Defray the Charge of Leaving our families for the Services of the publick or by any other means whatsoever.

But Supposing that you had some Reasons for this Innovation and that your House should be of Opinion that the L^d Prop^{ty} ought to defray the Charge and Attendance of his
p. 65 Council of State out of the Publick Revenue yet you will give us Leave to put you in mind that the whole of the Revenue, arising by Act of Assembly is entirely applied to the uses therein mention'd and to no other uses whatsoever; and

Leaves no Room, as we conceive for your House to Expect, U. H. J. that our Allowances should be paid out of that Revenue; unless some farther provision had been made for the Better Enabling his Ldp in the Support of such Charges as necessarily attends the dispatch of the publick Busieness, wherein we, who are of his Lordship's Council conceive that we have the Commonweale of this Province as much at heart, and as much under our Care as when we are Called to Act in Conjunction with your House in the making of such wholesome and Beneficial Laws, as seem most necessary for the Good Governm^t thereof.

But notwithstanding that this Unexpected Step might Justly alarm the members of his Ldps Council, and Give Umbrage of Suspicion that the Representatives of this Province, have so mean an opinion of the Persons whom his Lordship has made Choice of, to Advise his Lieu^t Governour in all Emergencies of State as to believe that they do not deserve the same publick Acknowledgments as formerly; yet we are willing to search out other Reasons for this alteration And p. 66 have a dependance that the Justice of your House, which shines upon other Occasions will Convince us that the Directions given to the Committee of Accounts proceeded rather from some hasty Resolve which when reassumed and duly scrutinized will have no place with you than from any fix'd Resolution of your House to deny upon any Terms the Customary Allowances made to the members of this House when they Act as a Council of State for the publick Good.

Which Message was sent to the Lower House by Esq^r Rousby who returns and says he delivered it

A Bill from the Lower House by M^r Crab and M^r Waughop intituled an Act to punish Blasphemers Swearers Drunkards and Sabbath Breakers and for Repealing the Laws heretofore made for the punishing such Offenders thus endorsed viz.

By the Lower House of Assembly October the 10th 1723

Read the first and second times by especial Order and will Pass

Signed p Order M. Jenifer Clk Lo. Ho.

This House went upon consideration of the Bill for the relief of such Persons as have already suffered or hereafter

U. H. J. may suffer by the misconception of the Tobacco Law and the following Endorsement was made thereon (viz.)

p. 67 By the Upper House of Assembly October the 10th 1723

Upon Reading the within Bill we think it not Adviseable that the Law should have a Retrospect but that such Persons only be relievable thereby as shall for the future, think themselves Injured by a Judgment to be given by a Single Magistrate, for w^{ch} the Bill will not Pass as it now stands

Sign'd p Order Sam^l Skippon Cl Up Ho.

And the Bill so Endors'd is sent to the Lower House by Benjamin Tasker Esq^r

Adjourned till morning

Friday Oct^r the 11th 1723

Met according to Adjournment

Present

His Honour the Governor

The honble	{	Col ^o Sam ^l Young	Col ^o M. Til. Ward	} Members of the Upper House
		Col ^o Tho ^s Addison	Ja ^s Bowles Esq ^r	
		Phil. Lloyd Esq ^r	Jn ^o Rousby Esq ^r	
		Col ^o Rich ^d Tilghman	Benj. Tasker Esq ^r	

Ordered that the Bill for trying all Crimes in the several Counties where they are Committed, be read again; and the Bill was Read and thus Endorsed (viz.)

By the Upper House of Assembly October the 11th 1723
Gentlemen.

p. 68 On Reading and Considering the within Bill we are of opinion that it will not be convenient to make the Tryal of Crimes which may Affect Life or member within the Jurisdiction of the County Court only Assisted by one Provincial Justice; because many of the Justices, Practitioners of the Law, and other Officers in several Counties (tho otherwise men of good discretion) are not well Acquainted with the Law in such Cases. Besides as there are but few Provincial Justices, and those far Remote from some of the County Courts, it may often happen that the next Provincial Justice by Sickness or other Accidents may be prevented from giving their Attendance at the County Courts where such Criminals are to be try'd w^{ch} would occasion them to be detained a Long

Time in Prison, and rather Augment than Lessen the Publick U. H. J. Charge and render the Execution of the Law impracticable. For which Reason this Bill will not pass.

Signed p Order Sam^l Skippon Cl. Up. Ho.

And the Bill so endorsed was sent to the Lower House by Col^o Tho^s Addison, with the following Message Prepared on the same occasion (viz.)

By the Upper House of Assembly Oct^r the 11th 1723
Gentlemen

Although for the Reasons mentioned in our Indorsement on the Bill to try all Criminals in the County Courts where such Crimes were Committed, we could not Consent to the Passing of the Bill; yet we are sufficiently Convinced by the Representation of the Honourable Provincial Justices and other Credible Informations; that the Long Attendance of Jurors, Evidences and the Criminals and Suitors themselves at the Provincial Courts, together with their great Fatigue and Hazard in repairing to those Courts, is a very great Aggrievance to the Good People of this Province, For Remedy whereof for the future, we cannot think of any more probable Expedient, then that two or more of the most discreet and knowing persons on either side of the Bay, should be Commissioned as Judges, who, at Certain Days to be appointed, shall, in the several Counties, together with one or more of the County Justices according to the usual methods of Proceeding in such Cases, hear and try all matters of Fact arising in those Counties whether Criminal or Civil, not within the Jurisdiction of the County Court, By which means all Jurors Evidences and other Persons only Concerned in matters of Fact, may be Excused from any Necessary attendance at the Provincial Courts, and the matters of Fact try'd by Jurors of the neighbourhood, who must be supposed to be best acquainted with them. If your House are Inclined to come into any such Measures, we propose a conference Between some of the members of both Houses for that Purpose

Signed p Order Sam^l Skippon Cl Up Ho.

A Message from the Lower House by M^r Tyler and M^r Whittington Viz.

By the Lower House of Assembly Oct^r the 11th 1723 p. 70
May it Please Your Hono^{rs}

On Reading your Indorsement on the Bill for the relief of such Persons as have or may Suffer by the Tobacco Laws

U. H. J. &c^a We think it but Reasonable that those persons that have already suffered by the Magistrates misconceiving the Laws, ought to be relieved, as well as they that hereafter shall suffer, for that the Laws having a Retrospect will be only to relieve those that have suffered for want of a proper Provision in the former Laws which we conceive is but doing them Justice now, and therefore desire the Bill may pass as it now stands.

Signed p Order M. Jenifer Cl Lo. Ho.

A Message from the Lower House by Daniell Dulany and five others viz

By the Lower House of Assembly Oct^r the 11th 1723
May it please Your Hono^{rs}

We have Considered your Message of this Day by Col^o Addison for appointing Comissioners on each Side of the Bay as Judges to try all matters of Fact in the several Counties, and Concur with yo^r Honours Proposals of a Conference on the Subject matter therein contained; and for that End have appointed Daniel Dulany Esq^r M^r Robert Tyler, John Beal Esq^r Capt Henry Hooper Captain Robert King and M^r John Oldham Members of our House to Joyn with such members as shall be Appointed by your House in the conference proposed who are Ready to attend

Sign'd p Order M. Jenifer Cl Lo. Ho.

p. 71 Then the House took into Consideration the message from the Lower House this Day by M^r Tyler and M^r Whittington, and prepared the following Answer thereto (viz.)

By the Upper House of Assembly Oct^r the 11th 1723
Gentlemen.

The Case of Samuel Gover being very particular and as we are informed, having been fully heard before last Session before your House & Rejected, is one Reason makes us unwilling the Law should have Retrospect so far at least as relates to him But in Relation to others, if you insist upon it we consent that the Bill do pass

Signed p order Sam^l Skippon Clk. Up. Ho.

And the said Answer with the Bill for the Relief of Sufferers by the Misconception of the Tobacco Law was sent to the Lower House by Col^o Young

Ordered that the Message from the Lower House by Daniel U. H. J. Dulany Esq^r and five others this day be Read & the following answer was prepared thereon Viz.

By the Upper House of Assembly Oct^r the 11th 1723
Gentlemen

In Answer to your Message this Day by Daniel Dulany Esq^r and five others this House does Appoint Col^o Sam^l Young and Col^o Rich^d Tilghman to Joyn with the Gentlemen appointed by your House in a conference on the Subject matter Contained in our Proposals this Day by Col^o Addison, and they are now ready to enter on the conference

Signed p Order Sam^l Skippon Cl Up. Ho.

Which Answer was sent to the Lower House by Col^o Young p. 72 and Col^o Tilghman

A Bill from the Lower House by John Beal and Tho^s Humphreys Esq^{rs} Intituled a supplementary Act to an Act Intituled an Act declaring the Rights of the Lots Originally laid out in Annapolis for the uses therein mentioned thus Endorsed viz.

By the Lower House of Assembly October the 11th 1723
Read the first and second Times by Especial Order and will pass.

Signed p Order M. Jenifer Cl Lo. Ho.

Which Bill being read was thus Endorsed viz

By the Upper House of Assembly 8^{br} the 11th 1723
Read and will pass.

Signed p order Sam^l Skippon Cl Up Ho.

Read the Bill for the punishing of Blasphemers Swearers, Drunkards, and Sabbath-Breakers &c^a & Ordered that it Lye on the Table.

A Bill from the Lower House by M^r Warfield and M^r Humphreys intituled an Act for the Vesting and settling an Estate of Inheritance in fee simple of and in a Certain Parcell or Lot of Ground in the City of Annapolis containing one hundred and twenty feet in Length formerly by an Act of Assembly of this Province confirm'd to Robert Johnson of

- U. H. J. Ann Arundel County Ship Carpenter deceas'd on Rob^t Gordon
of the City of Annapolis Merchant as also for Vesting or
p. 73 settling an Estate of Inheritance in fee Simple of and in a
certain Sand Bank that intersects a Tenement of Land
Possess'd by the said Robert Gordon and the Creek on the
said Robert Gordon and his heirs and Assigns for ever, which
Bill was thus Endorsed (viz.)

By the Lower House of Assembly Oct^r the 11th 1723
Read the first and second Times by Especial Order and will
Pass

Signed p Ord^r M: Jenifer Cl Lo. Ho.

A message from the Lower House by M^r Bozman and M^r
Hawkins (Viz.)

By the Lower House of Assembly Oct^r the 11th 1723
May it Please Yo^r Honours

In Answer to your Message by Col^o Young in Respect to
Samuel Gover this House is not willing particularly to Except
him, for that if he has any Right to be relieved he ought not to
be excluded and the County Court will be the Judges either to
Acquit or Condemn him and therefore we desire he may be
under the like Circumstances with other People

Signed p Ord^r M: Jenifer Cl Lo. Ho.

An Engrossed Bill from the Lower House by Captain
King and Capt Hooper Intituled An Act for the Advancement
of Justice Assented to by the Lower House and thus Sub-
scribed viz.

October the 11th 1723.

Read and Assented to by the Lower House of Assembly and
Signed p Order M. Jenifer Cl Lo. Ho.

- p. 74 Which Bill being Read is Likewise Assented to by the
Upper House and thus Subscribed (viz)

October the 11th 1723

Read and Assented to by the Upper House of Assembly and
Sign'd p Order Sam^l Skippon Cl Up. Ho.

Adjourned till morning

Saturday Oct^r the 12th 1723

U. H. J.

Met according to Adjournment

Present

His Honour the Governour

The hon ^{ble}	{	Col ^o Sam ^l Young	Col M. Tilgh. Ward	} Members		
		Col ^o Tho ^s Addison	Ja ^s Bowles Esq ^r		} of the	
		Col ^o Rich ^d Tilghman	Jn ^o Rousby Esq ^r			} Upper
			Benja Tasker Esq ^r			

The Supplementary Bill to the Act declaring the Rights of three Lots Originally laid out in Annapolis &c with the Original Bill for the Advancement of Justice was sent to the Lower House of Assembly by Col^o Ward

A Bill from the Lower House by Captain Harrison and M^r Sherwood Intituled an Act to prevent the tumultuous meetings & other Irregularities of Negroes and other Slaves thus endors'd viz.

By the Lower House of Assembly October the 12th 1723

Read the first and second Times by especial Order and will Pass

Sign'd p ord^r M. Jenifer Cl. Lo. Ho.

Ordered that the Bill on behalfe of Robert Gordon be Read ^{p. 75} and the Bill was Read and the following Endorsement made thereon viz.

By the Upper House of Assembly Oct^r the 12th 1723

Read and will Pass.

Sign'd p Order. Sam^l Skippon Cl Up Ho.

And the Bill so indorsed was sent to the Lower House by Esq^r Bowles

Then the House took into Consideration the Bill for preventing the tumultuous meeting of Negroes &c and the Bill was read and Endors'd as follows Viz.

By the Upper House of Assembly Oct^r the 12th 1723

Upon Reading the within Bill we do not find that the Constable is Impowered to take and Command Assistance along

U. H. J. with him to the place where he shall hear Negroes or other Slaves are tumultuously Assembled; and we think it would be proper to Add a Clause for that purpose, because it may so happen that no white Person being a freeman may be present at such meeting of Negroes, and the Constable might be in Danger of being Abused by them in the Execution of his Office, we also propose that a Clause be Added Injoyning under a Penalty, this Act to be publickly read by the Overseer of the Highways Constable or some other Officer at such times and Places where Negroes are met to Repair the Publick Roads with which Amendments the Bill will Pass.

And the Bill so Indorsed is sent to the Lower House by Esq^r Rousby.

p. 76 Then the House went upon the Bill for Punishing Blasphemers Swearers and Drunkards and Sabbath Breakers &c^a and upon Reading the same Ordered the following Indorsement thereon viz.

By the Upper House of Assembly Oct^r the 12th 1723

On Reading and Considering the within Bill we think it necessary that a Clause be added for saving all Prosecutions already Commenced by Virtue of the former Laws, and ascertaining at what Rates the Fines for Cursing and Swearing shall be paid in Tobacco when certified by the Magistrates or other Officers to the County Clerks with which Amendm^{ts} the Bill will pass.

Signed p order Sam^l Skippon Cl Up Ho.

And the Bill so Endorsed is sent to the Lower House by Benjamin Tasker Esq^r

The Message yesterday by M^r Bozman and M^r Hawkins being taken into Consideration In Answer thereto the following Indorsement was made upon the Bill for the Relief of Sufferers by the misconception of the Tobacco Laws viz.

By the Upper House of Assembly Oct. the 12th 1723

Upon further and due Consideration we cannot Consent to pass the within Bill with a Retrospect

Signed p Order Sam^l Skippon Cl Up. Ho.

And the same was sent to the Lower House by Col^o Young
Adjourned till Monday Morning

Monday October the 14th 1723

U. H. J.
p. 77

Met according to Adjournment

Present

His Honour the Governour

The honble	{	Col ^o Sam ^l Young	Col ^o M. Tilgh: Ward	} Members of the Upper House.
		Col ^o Tho ^s Addison	James Bowles Esq ^r	
		Phil: Lloyd Esq ^r	John Rousby Esq ^r	
		Col ^o Rich ^d Tilgh- man	Benjamin Tasker Esq ^r	

The Report of the Committee appointed by the Upper and Lower Houses of Assembly to Agree with proper Workmen for securing the Provincial Library was made to this House by Col^o Tho^s Addison one of the members thereof & is as follows (viz.)

At a Committee appointed by the Upper and Lower Houses &c.

Present

The Honourable Col^o Tho^s Addison of the Upper House of Assembly & Col^o John Ward, Cap^t Justinian Jordan Cap^t. Henry Hooper of the Lower House

The said Committee Agrees with John Smith of Annapolis Joyner to fix cases in the Conference Chamber for the Preservation of the Provincial Library with strong Shelves and partitions at Convenient Distances with six large Sash Doors which Cases are to begin at the Back of the door of the said Chamber and to be Continued to the Window on the West Side of the Room and from the said window to the Closet Door on the same Side of the Room to be the full height of the Room and fifteen or Sixteen Inches in Breadth from the Wainscot, to be fill'd wth pannels of good wainscot as high as the Surbase of the Room, and all Above that height to be well sash'd with Glass to find three good hinges two Plate Bolts, and one good Lock and Key to each Door and all other materials necessary for Compleating the said Work (Sash Glass only excepted) which work the said Smith promises Compleatly to finish by Christmas next according to the Direction and approbation of the Reverend Samuel Skippon p. 78

For which we have Agreed that the said Smith shall have paid him by the Treasurer of the Western Shoar the sum of seventeen pounds ten Shillings Current money.

Which Report being Read is agreed to by the House

U. H. J. A Message from the Lower House by M^r Courts and M^r Tolley Viz.

By the Lower House of Assembly Oct^r the 14th 1723
May it Please Your Honours

On your Honours Consent (by your Message of the 7th Instant by Col^o Young) with us in Removing Richard Young from the Office of Gate Keeper we have taken the necessary Care in that particular and thereupon propose Thomas Jobson as a Proper Person for that Office who is willing to undertake
p. 79 the same; and Desire your Honours' Concurrence with us in appointing him Gate Keeper after this Sessions: and that your Honours will be pleased to Joyn some of the members of your House with some of the members of this House to view the Gates, Gate Houses and Town Fences and Order the necessary Repairs thereof that after they are made the said Jobson may give Security for the Due Execution of that Office according to our Message the Last Session of the third of November by M^r Tyler and M^r Crab.

To which the following Answer was prepared viz.

By the Upper House of Assembly Oct^r the 14th 1723.
Gentlemen.

This House Concurrs with you in your Proposal of Tho^s Jobson as Gate Keeper in the Room of Rich^d Young and appoints James Bowles and Benjamin Tasker Esq^{rs} to be Joyned with such Members as your House shall appoint to view the Gates, Gate houses and Town Fences, and Order the necessary Repairs who are Ready to proceed thereon immediately.

Signed p Order. Sam^l Skippon Cl. Up. Ho.

And the said Answer was sent to the Lower House by James Bowles and Benja Tasker Esq^{rs}

A Message from the Lower House by M^r Crab & three more viz.

By the Lower House of Assembly Oct^r the 14th 1723
May it please Yo^r Honours

This House has Appointed M^r Ralph Crab Captain Joseph
p. 80 Harrison M^r Jn^o Courts and M^r Chairs to Joyn the members Proposed by your House in a Committee, to View the Gates,

Gate Houses Fences &c who are Ready to proceed thereon U. H. J. immediately.

Signed p Order. M. Jenifer Cl. Lo. Ho.

A Bill from the Lower House for preventing the tumultuous meeting of Negroes &c by Cap^t King & M^r Jordan thus further Indorsed (viz.)

By the Lower House of Assembly Oct^r the 14th 1723
May it please Your Honours

On considering your Indorsement on the within Bill as to the first Amendment we Concurr therewith; But as to the second Amendm^t therein proposed, we are of Opinion it will be more proper that the Sheriffs of each County at every County Court that shall sit be Obligated to publish and Read the said Law, than to oblige the several Overseers, Constables and &^{ca} to Read it as proposed and therefore we desire the Bill may pass with these Amendments

Sign'd p Order M. Jenifer Cl Lo. Ho.

And the Indorsement was read and Agreed to by this House and the Bill thus further indorsed Viz.

By the Upper House of Assembly 8^{br} the 14th 1723
Gentlemen.

This House agrees that the within Bill do pass with the Amendments Proposed by yo^r House.

Which Bill so Endorsed is sent to the Lower House by Col^o p. 81
Young

A Bill from the Lower House by John Beal Esq^r and M^r Rich^d Warfield, intituled an Act for the Relief of Anne Arrundel County, and all Persons Concerned in the Records thereof heretofore Burnt thus Endorsed (viz.)

By the Lower House of Assembly 8^{br} the 14th 1723
Read the first and second Times by Especial Order and will
Pass

Signed p Order M. Jenifer Cl Lo. Ho.

And the Bill was Likewise Read in this House and thus Indorsed (viz.)

By the Upper House of Assembly Oct^r the 14th 1723
Read and will Pass.

Signed p Order Sam^l Skippon Cl. Up. Ho.

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U. H. J. And the Bill so Endorsed was sent to the Lower House by
Col^o Tilghman

A Bill from the Lower House by Capt Hooper and M^r
Pritchett intituled an Act for quieting the Possessions of the
Indians Inhabiting on Nanticoke and Choptank Rivers thus
endorsed viz.

By the Lower House of Assembly Oct^r the 14th 1723
Read the first and Second times by Especial Order and
will Päss

Signed p Order M: Jenifer Cl Lo Ho.

Ordered that the Bill be Read and the Bill was Read and
Ordered to lye on the Table.
Adjourned till Morning

p. 82 Tuesday October the 15th 1723

Met according to Adjournment

Present

His Honour the Governour

the honble	{	Col ^o Sam ^l Young	Col ^o M. Tilg. Ward	} Members	
		Col ^o Tho ^s Addison	James Bowles Esq ^r		} of the
		Phile: Lloyd Esq ^r	John Rousby Esq ^r		
		Col ^o Rich ^d Tilghman	Benj. Tasker Esq ^r	} House.	

An Engrossed Bill from the Lower House by M^r Hum-
phreys and M^r Warfield on behalf of Robert Gordon thus
Subscribed (viz.)

October the 15th 1723

Read and Assented to by the Lower House of Assembly and
Signed p order M. Jenifer Cl Lo. Ho.

Which Bill was likewise Assented to by this House and
Sign'd p Order Sam^l Skippon Cl Up. Ho.

A Message from the Lower House by John Beal Esq^r and
five more viz.

By the Lower House of Assembly 8^{br} the 15th 1723.
May it Please Yo^r Hono^{rs}

On Considering Your Message of the 10th Instant by John
Rousby Esq^r relating to the Allowances usually made to
your Honours as a Council of State we are of opinion that the

Publick ought not to be burthened with the paying of the Privy U. H. J. Councillors Attendance not for that we Doubt in the Least yo^r Hon^{rs} having the Common weale of this Province as much at Heart when Acting as Privy Councillors as when in Conjunction with our House in making of wholesome Laws for the Good Government of this Province; But for that we find by an Act of Assembly made in the year 1670/1 Two Shillings p^r hhd was rais'd to the R^t Honble Cecilius then Lord Proprietary of this Province During his Life, to enable him in some measure to defray the many great and Necessary Expences of Government; and in particular to allow Convenient Salaries and Encouragement to the Lieut General and Chief Governour and to the Privy Council of the Lord and Proprietary for the then Time being so as that, without prejudice to their Private Affairs they might be Encouraged to Attend unto the Administration of Justice and other publick concernments, as also tow^{ds} the maintaining a Constant Magazine wth Arms and Ammunition for the Defence of the Province and the other Shilling was raised in Consideration of his Ldp taking the Quit Rents, and Fines for Alienations in Tobacco, at two pence p^r Pound: and also for that one other Act in the year 1674 and another in the year 1678 Raises the same Duty for the same uses. We also find by the Act made 1717 that one Shilling p^r hhd was raised tow^{ds} the maintaining the Station and Dignity of his Ldps Lieut Governor actually inhabiting and residing within the Province, and to such other necessary uses towards the Support and Defence of the s^d Lord Prop^{rys} Governm^t of this Province as in his Ldps wisdom to him should seem meet upon which we are humbly of Opinion that as the Privy Council are part of the Government p^r 84 Chosen by his Lordship to support the Prerogative so we presume that part of that Twelve Pence p^r hhd is raised to Defray the Charges of the Council out of Assembly Time. We further Observe to your Honours that by the Act of Assembly that Ascertains the Expences of the Councillors Delegates &c All such Councillors are to be Allowed the sum of one hundred and fifty pounds of Tobacco p^r Day during the Time they shall attend such Assemblies, and no more besides their Itinerant Charges to be paid out of the Publick Levy. So that should we Assess that on the People whom we Represent, which, in our Opinion they ought not to be Burthened with, and we are not warranted to do; we should be esteemed but bad Husbands of their Money, and Little deserving the Trust Reposed in us. For which reasons we cannot Recede from our former Resolve on that Occasion

Signed p^r Order. M. Jenifer Cl. Lo. Ho.

U. H. J. A Bill from the Lower House by Col^o Mackall and M^r Oldham Intituled an Act Directing the manner of the Recovery of Fines for not appearing at the Clearing of the High ways, thus endorsed Viz.

By the Lower House of Assembly Oct^r the 15th 1723.

Read the first and second Times by especial Order and will Pass

Signed p Order M: Jenifer Clk Lo Ho.

p. 85 A Message from the Lower House by M^r Dulany and five more viz.

By the Lower House of Assembly October the 15th 1723
May it please your Honours

We have Read the Report of the Conferees Concerning the great Delay of Busieness in the Provincial Court occasioned by the Length of Time taken up in the Tryals of Criminals, and to propose a method to ease the People of that Inconvenience and concur therewith and Desire to know whether your Hon^{rs} will Agree with us therein, that a Bill may be prepar'd According to that Report.

Sign'd p Order. M. Jenifer Cl Lo. Ho.

To which Message the following answer was prepar'd viz.

By the Upper House of Assembly October the 15th 1723
Gentlemen.

We Agree with yo^r House that a Bill may be prepared According to the Report of the conferees as proposed in your Message by M^r Dulany and five more

Signed p Ord^r Sam^l Skippon Cl Up Ho.

Which Answer was sent to the Lower House by Col^o Ward and Esq^r Bowles.

A Message from the Lower House by Col^o John Ward and Captain Justinian Jordan (viz.)

By the Lower House of Assembly October the 15th 1723
May it Please Your Hon^{rs}

We have Read and considered the Report of the Conferrees Appointed by both houses to Agree with proper workmen for securing the Provincial Library and concur therewith,
p. 86 And desire to know whether the same be Agreeable to your

Hon^{rs} which if it is the workman may proceed thereon U.H.J.
imediately.

Sign'd p Order M Jenifer Cl Lo Ho.

To which the following Answer was prepared Viz.

By the Upper House of Assembly Oct^r the 15th 1723
Gentlemen.

We concur with the Report of the conferees Relating
to the Provincial Library, and with your Message by Col^o
John Ward & Captain Justinian Jordan

Signed p Order Sam^l Skippon Cl Up. Ho.

Which Answer with three Original Bills was sent to the
Lower House by Esq^r Rousby

Two Ingrossed Bills from the Lower House by James Stod-
dert and Tho^s Humphreys Esq^{rs} viz

An Act for Relief of Elizabeth Major of Prince Georges
County by empowering her notwithstanding her Coverture
to Lease for her Life the Lands therein mentioned, And also
an Act intituled

A Supplementary Act to an Act intituled An Act declaring
the Rights of three Lots Originally laid out in Annapolis for
the uses therein mentioned

Assented to by the Lower House and thus severally sub-
scribed (viz)

October the 15th 1723

Read and Assented to by the Lower House of Assembly and

Sign'd p Order M: Jenifer, Cl Lo Ho

Which Bills being Read are likewise Assented to by this
House & are thus sev^{rlly} Subscribed viz.

October the 15th 1723

Read and Assented to by the Upper House of Assembly and

Signed p Order. Sam^l Skippon Cl Up. Ho.

A Bill from the Lower House by M^r Stoddert and Eleven ^{p. 87}
more Intituled, an Act for Encouragement of Learning and
erecting Schools in the several Counties within this Province,
thus Endorsed viz.

By the Lower House of Assembly Oct^r the 15th 1723

Read the first and second Times by Especial Order and will
Pass

Signed p order M: Jenifer Cl Lo Ho.

U. H. J. Then the House went upon the consideration of the Bill, directing the manner of Recovering Fines for not appearing at the clearing of High ways, and the Bill being Read the following Indorsement was made thereon viz.

By the Upper House of Assembly Oct^r the 15th 1723
Read and will Pass.

Signed p order Sam^l Skippon Cl Up Ho.

Which Bill so Endorsed was sent to the Lower House by Benjamin Tasker Esq^r

Col^o Young and Col^o Tilghman appointed by this House to confer with Daniel Dulany Esq^r and five others concerning the great Delay of Busieness &^{ca} made their Report of the s^d conference to the House; which is as follows viz.

At a Conference held at John Jordan's October the 12th 1723: Concerning the great Delay of Busieness in the Provincial Court occasioned by the Length of Time taken up in the Tryal of Criminals & to propose a method to ease the People of that inconvenience.

p. 88 Present of the Upper House

The honble Col^o Samuel Young Richard Tilghman Esq^r

Of the Lower House

Daniel Dulany Esq^r M^r Robert Tyler John Beale Esq^r
Capt. Henry Hooper Capt. Robert King M^r John Oldham

Made Choice of Col^o Young for Chairman and M^r Geo. Plater to be Clerk

Adjourned till Monday

Then met and Proceeded as followeth

The Conferees are of Opinion that the Appointing three of the Justices of the Provincial Court on each Side of the Bay and the empowering any two of them together with one or two of the County Justices, to hear and determine all Criminal Cases not tryable in the County Courts and all Civil Actions that shall be Commenced in the Provincial in the several Counties where they shall Arise, will be the best Expedient that can be thought of to Remove the Inconvenience Complaind of and the most Agreeable to our Constitution for the following Reasons

1 That it is Agreeable to the manner of proceeding in like Cases in England where by several hundred years Experience Tryals by the neighbourhood (who must Certainly be the most

consuant of the Fact) has been found to be the greatest Security of the Peoples Lives, Fortunes, Liberty and Reputation as well as the surest method of bringing Criminals to Justice, and Exactly Agreeable to the ninth Chapter of Articuli Super Chartas wherein it is Expressly provided that every Sheriff or Bailiff should put on inquest such as be next Neighbours most Sufficient and Least Suspicious, on pain of paying Double Damages, and being grievously amerç'd to the King.

U. H. J.
p. 89

2 That althô the Alteration propos'd may probably increase the Publick Charge about Thirty Thousand p^{ds} of Tobacco according to the Estimate annex'd, that as the attendance of Jurors Evidences and Suitors will be much Shorten'd, the Cost will be Lessend in proportion; Besides the Convenience of bringing the Tryals Home to the People's Doors, & saving the fatigue & Expence of psonal attendance at the Provincial Court, (w^{ch} as the Courts are Establish'd, happens in the Busiest Season of the year, and Conseq^{ty} when it is more prejudicial to the people to be from Home) will make Ample Amends for the Increase of the Publick Charge.

3 That when Tryals are in the neighbourhood where the facts arise, there's Less Danger of False Testimony prevailing, than where the Contending Parties, Jurors & Wittnesses, are Stranger to one another. This Circumstance is of very great weight, & worthy of Consideration, as appears in Sir Mathew Hale's History of the Common Law of England, where treating of these Sort of Tryals he has these Remarkable words:—and further the very Quality, Carriage, Age, Condition, Education & place of Commorance of Wittnesses, is by this means plainly and Evidently set forth to the Court & the Jury, whereby the Judge & Jurors may have a full Information of them & the Jurors, as they see Cause, may give more or Less Credit to their Testimony, for the Jurors are not only Judges of the Fact, but many Times of the Truth of the Evidence; and if there be Just Cause to Disbelieve what the Wittness Swears; they are not Bound to give their Verdict according to the Evidence or Testimony of that wittness, and they may sometimes give Credit to one Wittness thô opposed by more then one. And indeed it is one of the Excellencies of this Tryal above the Tryal by wittnesses, that altho the Jury ought to give a great regard to wittnesses & their Testimony, yet are they not always Bound by it, but may upon Reasonable Circumstances inducing a Blemish upon their Credibility, tho otherwise in themselves in strictness of Law, they are to be heard, pronounce a Verdict Contrary to such Testimony the Truth whereof they have Reason to Suspect, & may and do often pronounce the verdict upon one single Testimony.

p. 90

p. 91

U. H. J. The advantages mention'd by that Great & Famous Judge attending Tryals by Jurors Cannot possibly be had, but where the Facts are try'd where they happen, & where the Jurors, Parties and Wittnesses, are known to one another.

The Conferees are of opinion that it would be convenient (in order to Lessen the Publick Charge) to Reduce the Number of provincial Justices to Six

That no pson may be Exempt from serving on Juries that is Legally Qualified; but Councillors, Clergymen, Magistrates, Assemblymen & Constables

The conferees are also of opinion that if the Judges be appointed on each Side the Bay as ppos'd they should begin to go their Circuits the beginning of April, & beginning of September yearly, and that the Provincial Court should sit about the 20th of May and 20th of October yearly.

Sign'd p order George Plater Clk.

The Expence of the Provincial Justices }		33720
Computed at		
Grand and Petit Jurors		29250
Drummer		600
Evidences allow'd in the Publick Levies		4600
Evidences allow'd in the Several County Levies Viz		
St. Mary's County	940	
p. 92 Calvert	360	
Charles	960	
Somerset	2840	
Anne Arundel County	1120	6220
		<hr/> 74390

An Estimate of the Expence that the Publick will probably be at if there be Judges appointed to try Causes in the Counties

Six Judges of the Provincial Court to Sit 24 Days including Coming To Town & returning Home	}	20160
Petit Jurors in all the Counties supposing the num- ber to be 30, & that they attend 3 Days at 15 th Tob° p Diem		
Grand Jurors at 400 Each	}	9600
Evidences attendances in Criminal Cases Can't ex- ceed one fourth of w ^t they Come to in the provincial		
Judges allowance to Ride the Circuits		40000
		<hr/> 104865
The Difference in the Publick.		<hr/> 30475

The above Report being Read the House agreed thereto U. H. J.

Then the House Order'd the Bill for quieting the possessions of the Indians &c^a to be read again which was done; and after some Time spent therein the Question was put whether Trip's Heirs (mentioned in the Bill) should have the same privileges wth Newton and Anderton, and it was Carried by Majority of Votes in the Affirmative Referr'd the further Consideration of this Bill till the Morning.

James Bowles and Benjamin Tasker Esq^{rs} appointed to p. 93 confer with Mess^{rs} Ralph Crab, John Courts, John Chairs and Joseph Harrison members of the Lower House about the Gate &c^a give in their Report which is as follows viz.

By the Committee appointed October the 14th 1723 to view the Town Fence Gate houses and Gate

Of the Upper House { The Hon^{ble} Ja^s Bowles Esq^r
The Ho^{ble} Benj^a Tasker Esq^r

Of the Lower House { M^r Ralph Crab M^r John Courts
M^r John Chaires M^r Jos. Harrison

The said Committee having duly inspected therein are of opinion that the Fence requires (for its Repair) six Large Fence Logs for each Pannel and the South End thereof to be extended ten Foot further into the Creek, and the other end fifteen foot and that the Gate Houses are Rotten and intirely Useless, but that the Gates will be of further Service if rehung, so as to swing Clear of the Ground.

Which Report upon Reading is agreed to by the House
Adjourn'd till Morning

Wednesday Oct^r the 16th 1723

Met according to Adjournment

Present

His Honour the Governour

The hon ^{ble}	{	Col ^o W ^m Holland	Col ^o M. Tilg: Ward	} Members of the Upper House	p. 94
		Col ^o Sam ^l Young	James Bowles Esq ^r		
		Col ^o Tho ^s Addison	John Rousby Esq ^r		
		Phil: Lloyd Esq ^r	Benj ^a Tasker Esq ^r		
		Col ^o Rich ^d Tilghman			

An Ingrossed Bill from the Lower House by M^r W^m Young and M^r Read Intituled an Act to prevent the tumultuous meeting & other Irregularities of Negro and other

U. H. J. Slaves, Assented to by the Lower House and Subscribed
(viz.)

October the 16th 1723

Read and Assented to by the Lower House of Assembly and
Sign'd p Order M: Jenifer Cl Lo: Ho:

Which Bill being Read is likewise Assented to by this
House and thus Subscribed Viz.

October the 16th 1723

Read and Assented to by the Upper House of Assembly &
Sign'd p Order Sam^l Skippon Cl Up. Ho.

A Message from the Lower House by Captain King and
Captain Harrison viz.

By the Lower House of Assembly 8^{br} the 16th 1723

May it Please Yo^r Hono^{rs}

The Provincial Court wanting the Statutes at Large and
other necessary Books for their use, we desire yo^r Hon^{rs} Con-
currence with us in directing the Honble Robert Ungle Esq^r
p. 95 Treasurer of the Eastern Shore to send for all the Statutes
at Large, Hale's Pleas of the Crown of the Last Edition,
Hawkins's Pleas of the Crown, Daltons Justice of the last
Edition and Nelson's Justice for that purpose, with Letters
Stampd on the Outside of each Booke For the Use of the
Province of Maryland

Sign'd p Order M. Jenifer Cl. Lo: Ho.

The House took into Consideration the Message from the
Lower House by John Beale Esq^r and five more Yesterday,
and prepared the following answer thereto viz.

By the Upper House of Assembly Oct^r the 16th 1723

Gentlemen.

By your Message of the 15th Instant by John Beale Esq^r
and five more, we find our selves under a necessity of remind-
ing you that the Country has since the year 1670/1 and in
all Probability many years before Supported the Council of
State in this Province by making such Allowances from Time
to Time as might Defray their Expence, when upon publick
Service, either by raising an Impost for that purpose or by
Assessment upon the Inhabitants by Impost untill the King
assumed this Governm^t then the Legislature thought fit to
employ that Impost to other uses & assess the Inhabitants
p. 96 and so Continued during the Government of the Crown: when

the Proprietary Government was Restored they continued U. H. J.
 the Like Impost to the Like uses, and still Assess'd the Inhab-
 itants for support of the Council unto this Day The Case being
 so, we can have no Expectation that his Lordship will Support
 his Council now, when we have made no Provision for him
 so to do. If you doubt any of the Above Allegations, we
 desire a Conference with some of your members, that we
 may Evince the Truth of them; which when done, we cannot
 think you will be of Opinion that we ought to serve the Pub-
 lick at our own Expence but rather that we should be allowed
 as usual.

Signed p Order Sam^l Skippon Cl Up. Ho.

And this Answer with the Original Bill N^o 16 was sent to
 the Lower House by Coll^o Holland and Col^o Young

Then the Board prepared the following Ans^r to the Mes-
 sage from the Lower House by Capt King and Captain Har-
 rison (viz.)

By the Upper House of Assembly Oct^r the 16th 1723
 Gentlemen

We concur with your House in your Message this Day by
 Captain King and Captain Harrison

Sign'd p order Sam^l Skippon Cl Up Ho.

Which Answer was sent to the Lower House by Col^o Ad-
 dison

Two Ingrossed Bills from the Lower House by M^r Bozman
 & M^r Travers (viz.)

An Act to Punish Blasphemers Swearers Drunkards & p. 97
 Sabbath Breakers, and for repealing the Laws heretofore
 made for punishing such Offenders.

An Act directing the manner of the Recovery of Fines for
 not appearing at the clearing of the high ways.

Both Acts Assented to by the Lower House and thus Sub-
 scribed (viz)

October the 16. 1723

Read and Assented to by the Lower House of Assembly and

Sign'd p Order M Jenifer Cl. Lo: Ho.

Which Bills being read are likewise Assented to by the
 Upper House, and thus Subscribed viz.

October the 16th 1723

Read and Assented to by the Upper House of Assembly and

Sign'd p Order. Sam^l Skippon Cl Up: Ho.

U. H. J. A Message from the Lower House by M^r Hill and five more viz

By the Lower House of Assembly Oct^r the 16th 1723.

May it please Your Honours

On Reading your message this Day by Col^o Holland and Col^o Young desireing a conference concerning the usuall Allowances to the members of his Ldp's honourable council out of Assembly Times, we Agree thereto; and for that End have Appointed M^r Joseph Hill, John Beale Esq^r Col^o John Mackall M^r Robert Tyler M^r Ralph Crab, and M^r Robert King of our House to Joyn with such members as shall be Appointed by your House in a Conference on the Subject matter therein proposed who are ready to Attend.

Sign'd p Order M: Jenifer Cl. Lo: Ho:

p. 98 Then the House took into Consideration the Bill for the Encouragem^t of Learning &c. and Ordered the following Message to be prepared Viz.

By the Upper House of Assembly Oct. the 16th 1723
Gentlemen.

We desire your House to Appoint some of yo^r Members to be Joyned with Col^o Addison and Col^o Tilghman, in order to fill up the Blank Spaces in the Bill for the Encouragement of Learning &c^a and to Agree [upon] Visitors for the several Schools to be Erected in the several Counties.

Signed p Order Sam^l Skippon Cl Up. Ho.

Which Message was sent to the Lower House by Col^o Addison and Col^o Tilghman

A Message from the Lower House by Col^o Mackall and Eleven more viz.

By the Lower House of Assembly October the 16th 1723

May it please Yo^r Honours

We concur with your Message this Day by Col^o Addison and Col^o Tilghman, and therefore have appointed Col^o John Mackall M^r Justinian Jordan, M^r Philip Kennard John Beale Esq^r Captain Joseph Harrison M^r Thomas Bozman, M^r Thomas Tolley M^r Robert King M^r Henry Hooper, Col^o John Ward M^r Robert Tyler and M^r Edward Wright of our House, in Order to fill up the Blank Spaces in the Bill for Encour-

agem^t of Learning &c. and to Agree upon Visitors for the U.H.J. several Schools, who are ready to proceed thereon Immediately.

Signed p Order M: Jenifer Clk Lo. Ho.

Then the House took into Consideration the Bill for quieting the Possessions of Indians and finding the Alterations ^{p. 99} to be made therein were such as could not without Confusion be interlined in the Bill, Resolved that the Bill with the Amendments be written over fair; and a message prepared to be sent therewith w^{ch} Message follows viz.

By the Upper House of Assembly October the 16th 1723.

Gentlemen.

Upon Reading and Considering the Bill herewith sent, the Alterations proposed to be made by us therein, we found were such as could not without Confusion be interlined in the Bill; wherefore we Judg'd it wo^d be more convenient to write the whole Bill over with the Amendments, then to propose them to be interlined; with which if your House concurs the same will pass.

Sign'd p ord^r Sam^l Skippon Cl Up Ho.

Which Message with the Bill Indorsed thus

By the Upper House of Assembly October the 16th

Read and will Pass.

Signed p Order Sam^l Skippon Cl Up. Ho.

Was sent to the Lower House by Col. Ward.

Then the House took into Consideration the Message from the Lower House by M^r Hill and five more and prepared the following Answer thereto viz.

By the Upper House of Assembly Oct^r the 16th 1723

Gentlemen

In Answer to your message this Day by M^r Hill and five more this House does Appoint Col^o Rich^d Tilghman & Col^o M. Tilgh. Ward Members thereof to Joyn in a conference with the Gentlemen appointed by your House on the Subject matter proposed in our Message this day by Col^o Holland and Col^o Young.

Signed p Order Sam^l Skippon Cl. Up. Ho.

U. H. J. Which Answer with two Original Bills N^o 17, 18 was sent
 p. 100 to the Lower House by Esq^r Bowles
 Adjourned till Morning

Thursday October the 17th 1723

Met According to Adjournment.

Present

His Honour the Governour

The hon ^{ble}	{	Col ^o W ^m Holland	Col ^o M. Til. Ward	} Members of the Upper House.
		Col ^o Sam ^l Young	James Bowles Esq ^r	
		Col ^o Tho ^s Addison	Jn ^o Rousby Esq ^r	
		Phil. Lloyd Esq ^r	Benj ^a Tasker Esq ^r	
		Col ^o Rich ^d Tilghman		

The House took into Consideration the Bill for the Encouragement of Learning &c^a And after Reading Ordered the following Endorsement thereon viz.

By the Upper House of Assembly Oct^r the 17th 1723

The within Bill being Read will Pass with the following Amendments viz 1 × or other Person 2 + shall be members of the Church of England and

Sign'd p Order Sam^l Skippon Cl Up Ho.

And the Bill so Endorsed was sent to the Lower House by Col^o Holland James Bowles John Rousby and Benj^a Tasker Esq^{rs}

An Ingrossed Bill by M^r Blakiston and three more Intituled an Act for quieting the Possessions of the Indians Inhabiting on Nanticoke and Choptank Rivers Assented to by the Lower House & Subscribed (viz.)

p. 101 October the 1723
 Read and Assented to by the Lower House of Assembly and
 Sign'd p Order

Which Bill being Read is likewise Assented to by this House and Subscribed Viz.

October the 17th 1723
 Read and Assented to by the Upper House of Assembly and
 Signed p Order. Sam^l Skippon Cl Up: Ho.

A Message from the Lower House by Captain Harrison U. H. J.
M^r Courts & M^r Chairs viz.

By the Lower House of Assembly October the 17th 1723.

May it Please Yo^r Honours

On Reading the Report of the Committee appointed by both Houses to view the Town Fences, Gate houses and Gates, we concur therewith, and desire that some of the members of your House may be Appointed to Joyn with the same Gentlemen of our House appointed of that Committee to make an Estimate of the Charge & to treat with proper workmen for making the necessary Repairs

Signed p Order M: Jenifer Cl Lo. Ho.

To w^{ch} Message the following Answ^r was prepared viz.

By the Upper House of Assembly October the 17th 1723
Gentlemen.

This House does appoint James Bowles and Benj^a Tasker Esq^r to Joyn with the Gentlemen appointed by your House to make an Estimate of the Charge and to treat with proper workmen for making the necessary Repairs in the Town Fences Gate houses and Gates

Signed p Order Sam^l Skippon Cl Up: Ho:

Which was sent to the Lower House by James Bowles & p. 102
Benjamin Tasker Esq^{rs}

Col^o Tilghman and Col^o M: Tilgh: Ward appointed to Confer with those Gentlemen of the Lower House appointed Yesterday in a message from thence by M^r Hill and five more, about the Allowances to be made to his Lordships Council of State, gave in their Report which is as follows viz.

At a Conference held at the House of M^r Francis Bowes on Thursday the 17th Day of October 1723 to confer about the Allowances to be made to his Ldps Honourable Council of State.

Present.

The Honble Col^o Rich^d Tilghman Col^o M. Til. Ward of the Upper House

the honble { M^r Joseph Hill M^r Rob^t Tyler } of the Lower
 { M^r Jn^o Beale M^r Ralph Crab } House
 { Col^o Jn^o Mackall M^r Rob^t King }

Who make Choice of Col^o Rich^d Tilghman to be their Chairman And Charles Worthington their Clerk

U. H. J. And thereupon proceed to the Subject matter aforesaid which being fully debated and Considered and for that the Conferees could not Agree upon any Report to be made relating thereto the Conference dissolved and the several Members thereof returned to their Respective Houses.

Signed p Order Charles Worthington Cl.

p. 103 A Bill from the Lower House by M^r Stoddart & nine more Intituled, an Act for the Tryal of all matters of fact in the several Counties where they have arisen, or shall arise, the Continuance of causes in the Provincial Court, and Adjournment of that Court, Indors'd (viz.)

By the Lower House of Assembly October the 17th 1723

Read the first Time and Ordered to lye on the Table

Signed p Order M. Jenifer Cl Lo. Ho.

And Lower thus (viz.)

By the Lower House of Assembly Oct^r the 17th 1723

Read the second Time by especial Order and will Pass

Sign'd p Order M: Jenifer Cl. Lo: Ho.

Ordered that the Bill be Read and Bill was Read & Ordered to lye on the Table.

Adjourn'd till Morning

Friday October the 18th 1723

Met according to Adjournm^t

Present

His Honour the Governour

the hon ^{ble}	{	Col ^o W ^m Holland	Col ^o M. Til: Ward	} Members of the Upper House
		Col ^o Sam ^l Young	Ja ^s Bowles Esq ^r	
		Col ^o Tho ^s Addison	John Rousby Esq ^r	
		Phil: Lloyd Esq ^r	Benj ^a Tasker Esq ^r	
		Col ^o Rich ^d Tilghman		

A Message from the Lower House by M^r Hill M^r Beale & Col^o Jn^o Ward who bring the Journal of the Committee of Accounts thus Subscribed Viz.

p. 104

October the 18th 1723

Read and Assented to by the Lower House of Assembly and

Signd p Order M: Jenifer Cl Lo Ho.

A Bill from the Lower House of Assembly by M^r Sherwood U. H. J. and M^r Dun Intituled An Act for the Relief of Tho^s Turner of Charles County Gent. Christopher Belrose, Thomas Cob, John Gould Thomas Bezely and John Ferrel of Anne Arundel County John Beldom and John Hanly of Calvert County, Joseph Gough of Queen Annes County and John Clements of Dorchester County Languishing Prisoners; thus endorsed viz.

By the Lower House of Assembly 8^{br} 18th 1723.

Read the first and second Times by Especial Order & will Pass

Sign'd p Order M: Jenifer Cl Lo Ho.

An Ingrossed Bill from the Lower House by Capt King & M^r Warfield Intituled an Act for the Encouragem^t of Learning & Erecting Schools in the several Counties within this Province, thus Subscribed (Viz)

October the 18th 1723

Read and Assented to by the Lower House of Assembly &
Signd p order M. Jenifer Cl Lo: Ho:

Which Bill being Read is Likewise Assented to by this House and thus Subscribed viz.

October the 18th 1723

Read and Assented to by the Upper House of Assembly and
Signd p Order Sam^l Skippon Cl Up Ho.

Upon a motion made by a member of this House that a Bill p. 105 be brought in for the Encouragement of such as will make Hemp; Ordered that a Bill be brought in and a Bill was brought in, Intituled an Act giving Encouragem^t to make Hemp within this Province.

Which Bill being Read a first Time was Ordered a second Reading & being Read was thus Indorsed (viz.)

By the Upper House of Assembly Oct. 18th 1723

Read the first and second Times by especial Order and will Pass.

Sign'd p Order. Sam^l Skippon Cl Up Ho.

And the Bill was sent to the Lower House by Col^o Holland

U. H. J. In Pursuance of A Message of this House of the 7th Instant by Esq^r Bowles the following Ordinance of Assembly is prepared viz.

By his Honor the Governor and the Upper and Lower Houses of Assembly October the 7th 1723

It is Ordained that all and Every private pson or psons in whose hands any of the Antient Papers, Records, Registries of Towns in this Province are now Lodged deliver the same to the several County Clerks to be lodged and Recorded and kept as Records in the several Counties, where the Towns lye and that the Receipts of the County Clerks shall be sufficient to discharge the said psons in whose Hands such Records or other Papers are; and that the Copy thereof be transmitted to the several Counties with the Copy of the Laws.

Sign'd p Order Sam^l Skippon Cl. Up. Ho.
Sign'd p order M: Jenifer Cl. Lo. Ho.

p. 106 An Engrossed Bill from the Lower House by M^r Beale and M^r Humphreys Intituled an Act for the Relief of Anne Arundel County and all Persons Concerned in the Records thereof, heretofore burnt thus Subscribed viz.

October the 18th 1723

Read and Assented to by the Lower House of Assembly &
Sign'd p order M. Jenifer Cl. Lo. Ho.

Which Bill was also Assented to by this House and subscribed Viz.

October the 18th 1723

Read and Assented to by the Upper House of Assembly and
Sign'd p Order Sam^l Skippon Cl. Up. Ho.

Then the Bill for the Relief of Several prisoners therein mention'd was Read & thus indors'd (viz)

By the Upper House of Assembly 8^{br} the 18th 1723

Read and will Pass.

Sign'd p ord^r Sam^l Skippon Cl. Up. Ho.

And sent to the Lower House by Col^o Young

Then the House took into Consideration the Bill for Tryal of all matters of Fact in the several Counties where they have

Arisen &c^a and after some time spent therein Ordered the U. H. J. following Indorsement to be made thereon viz.

By the Upper House of Assembly October the 18th 1723

This Bill being Read will pass with the following Amendments viz.

1 × Two Justices of the Provincial Court for each side of the Bay such as the Governour for the Time being shall think fit to appoint, shall be Justices of Assize, Nisi prius, and Justices of Oyer and Terminer and Goal Delivery, and that the said two Justices or either of them in Case of Sickness or other inability.

2 × And be it enacted by the Authority aforesaid that that part of an Act of Assembly Intituled An Act Causing Grand and Petit Jurrors to come to the Provincial and County Courts and Ascertaining their Allowances, made at a Session of Assembly begun and held at the City of Annapolis the 26th Day of April Anno Domini 1715 which relates to sumoning Grand and Petit Jurors to attend at the Provincial Courts be & is hereby Repealed and made Void.

Sign'd p Order Sam^l Skippon Cl. Up. Ho.

And the Bill so Indorsed is sent to the Lower House by Col^o Addison Col^o Tilghman, Col^o Ward, and Esq^r Bowles

Then the House took into Consideration the Report of the conferees Appointed by both Houses to confer about the usual Allowances to be made to his Lordships Council of State, and prepared the following message thereon viz.

By the Upper House of Assembly 8^{br} the 18th 1723
Gentlemen

On reading the Report of the Conferees appointed to confer About the usual Allowances to be made to the members of his Lordship's Honble Council for their Attendance as a Council of State, we find that you still persist in yo^r Resolutions not to make any such Allowances, which has Occasioned us again to peruse your Messages relating thereto, and consider the Reasons you have therein given for such Resolutions whereupon we Observe that you mention a Law made in the year 1670/1 for laying Duty of two Shillings p hhd on Tobacco Exported out of this Province; one Shilling whereof was Given to his Ldp for the support of Government, and for allowing Convenient Salaries to his Privy Council, which was again Continued in the years 1674 and 1678 for the same Uses and you further Alledge that by the late Act made in the year 1717

U. H. J. one Shilling p hhd was raised for maintaining his Ldp's Lieut Governor for the Time being, and for such other necessary uses tow^{ds} the Support of Governm^t as to his Ldp should seem meet; from whence you infer that the one Shilling levyed Anno 1717 ought to be Applied to the same uses as that in Anno 1670/1 and Conclude that his Ldp is oblidged to maintain his Council out of the aforesaid one Shill p hhd.

We cannot but think you very much mistaken in your arg^t & Conseqtly in your Conclusion for to have Re-
 p. 109 course to a Law made forty or fifty years ago to Explain a Law lately made without having Regard to several Laws intervening relating to the same Duty but under different Applications must certainly be an erroneous way of Proceeding. We therefore take the Liberty in the best manner we can to state the Case as we Conceive it to be as follows viz.

The Law made in the Year 1670/1 first Raised the one shilling p hhd payable to the Lord Proprietary for the support of Government and for the Payment of Salaries to the Council and for maintaining a Magazine in this Province w^{ch} Law stood Continued from Time to Time till the year 1692 when the Governm^t was under the Administration of the Crown; and then the Law was made for raising 14 pence p Tunn on all Ships or Vessels tradeing within this Province, out of which a standing Salary of 30 Pounds p Annum was to be allowed to all such Councillors as did not hold any places of Profit in the Government, and likewise another Law for raising the one Shilling p hhd aforesaid and Applying it to other uses in the Government for it could not be supposed that any part of it was intended for the Support of the Council when they were provided for by another Law But upon the making of the Law for the applying the 14 pence p Tonn towards the Support of the Council and for defraying other Charges in Government My Lord Proprietary who knew he had a Right to the 14 pence p Tonn by his Prerogative
 p. 110 (as we are informed) applied himself to the King and Council in England and procured an Order to have the 14 pence p Tonn Restored to him again and has ever since received it to his own proper use, by which means the Council became destitute of any Allowance the one Shilling p hhd being before Applied another way as has been before Observed. Upon this the Legislature took their Case into consideration and made them an Allowance in the Publick Levy, which has been annually Done ever since for above thirty years past and the one Shill p hhd was annually applied to other uses in the Government According to the Directions of the Law made in 1692 aforesaid, and other Laws to the same purpose untill the Year 1715 after the Government was Again restor'd to the Lord Pro-

prietary; which Year an Act of Assembly was again made U. H. J. which advanced the af^d 1 Shill p hhd to 15 pence p hhd, three Pence of it to be Applied tow^d the support of a Magazine and the other 12 pence to be paid to the then Governor for his own proper use. Thus the one shilling p hhd was Applied Solely for the Support of a Governour and only thought sufficient for that purpose exclusive of any other Application But the L^d Proprietary after some time being dissatisfied that the Sallary of his Governour should be paid to himself independent of his Ldp and knowing the ill Consequences that might Ensue thereon, Directed his then Governour to Cause p. 111 his Revenue Bill to be again reenacted, and the One shilling p hhd directed to be paid to his Ldp for the Support of his Governour and for such other uses tow^d the Support of Government as his Ldp in his discretion shall think meet to apply the same; which was accordingly reenacted in the year 1717 and again reviv'd this present Sessions of Assembly. The Case being thus truly stated, we appeal to the Judgment of any Impartial Person whether the Council can Justly Claim any part of the aforesaid One shill p hhd for the Law made in the Year ninety two Repealed all the Former Laws for raising the afores^d one shill^g p hhd and Applied it to other uses exclusive of any Support for the Council, who were then provided for by another Law as aforesaid, and after the Dissent to that Law by an Annual Allowance in the Publick Levy ever since continued, and the Law in the year 1715 applied it solely to the use of the then Governour and the Law in 1717 to the L^d Proprietary for the support of a Governour and to such other uses in the Governm^t as his Lordship should think meet, without ever mentioning or having any Regard to the Council, the L^d Proprietary Cannot be supposed to have any Knowledge that the Upper and Lower Houses of Assembly, at the Time of making the aforesaid Laws intended the Council should be supported out of the aforesaid one shill p hhd nor can your House have any reason to expect his Lord- p. 112 ship has made a better bargain with his present Governor than the whole Legislature of this Province did for him with his former Governor to whom they gave the whole one Shilling p hhd and if he has not there is nothing remaining to support his Council; but if he has, his Lordship may apply the remaining part to any other uses in Governm^t as he pleases, and it cannot be expected he should make any Reserve out of it for his Council when he is not Obligated to do it, nor does not know that it is expected from him.

We hope upon a further Consideration of the Justice of our Claims you will consent to make us such Allowances as we

U. H. J. have heretofore had; but if you persist in your former Resolution as you think it Reasonable we shou'd serve his Ld^p and the Country at our own private expence we cannot but think it reasonable that you should do the same, and therefore we propose that if Yo^r House will remit your allowances this year for your attendance, we will remit ours; by which means we shall plainly and impartially demonstrate our inclinations to save the Country's money without making examples of any particular persons.

Signed p Order S Skippon Cl Up Ho.

The Gentlemen appointed on the Committee to agree with proper Workmen to build the Gate house and Repair the Town Fence gave in their Report as follows viz.

p. 113 The Report of the Committee appointed October the 17th 1723 to Agree with Proper Workmen to build a Gate house, & repair the Town Fence

Present of the Upper House

The Honble James Bowles and Benjamin Tasker Esq^{rs}

Of the Lower House

M^r Ralph Crab, M^r John Courts, M^r John Chaires & M^r Joseph Harrison.

This Committee having treated with proper workmen, do find the Lowest Demand for the Building and Compleatly finishing in the manner and of the frame and Scantling as hereto annexed to be one hundred and ten P^{ds} the Undertaker being willing to enter into Bonds with sufficient Sureties fully to Compleat and finish the same by the Last Day of May next.

It is also offered to this Committee by Tho^s Jobson to procure good new Fence Logs and get them in place for Two pence p Log and to repair the Town Fence with them according to the Report of the Committee appointed the 14th Instant to inspect the same for the sume of forty Shillings and Compleat the same by the first of March next.

All which is Referred to the House for their Consideration

p. 114 House Thirty two foot Long fifteen foot broad, twelve foot pitch under pinn'd with Stone or Brick raised two foot from the Ground an Outside Brick Chimney with two fire places the Rooms Above and below to be Lime Plaistered a Sash Window in each Room below two foot broad and four deep, one Ditto at each end Eighteen Inches Broad and thirty six Long; the Floors to be laid with good Inch pine Boards

the Passage through the Gate to be twelve foot wide and U.H.J.
Locust and Cedar Spars on each side, Stair Case, Doors
proper for a House, Sills Sleepers and Posts of Cedar or
Locust, the plates, Joysts and other Framing of Saw'd pine
or Oak to be weather Boarded with Inch pine Plank, shingled
on Inch white Oak Laths with Cypress Shingles not less than
three Quarters of an Inch thick; and repair the old Cellar.

Scantling Bill

Four Sills twelve foot Long twelve and nine Square
Four Ditto fifteen foot Long twelve eight and nine Ditto
Fourteen Sleepers, fifteen, Seven and five Ditto
Eight Posts twelve foot Long nine and eleven Ditto
Two Plates seven and Eight, thirty two foot long
Eighteen Ghise, five and seven, Seventeen foot long
Eighteen pair of Rafters fifteen long three and four square.
Sixteen Braces twelve foot Long eight and four Ditto.
A Hundred Studds twelve foot long is About two Thousand
ninety one feet.

The foregoing report being read is Agreed to by the House

The Report of the Commissioners appointed to inspect the
publick Records was laid before the House, Read and is as p. 115
follows (viz)

To the Honble Members of the Upper and Lower Houses
of Assembly.

In Pursuance of an Act of Assembly made the last Session
for repairing the Damages Already Sustained in the Publick
Records of this province wherein we the Subscribers are
impowered (together with Thomas Bordley Esq^r) Commis-
sioners to inspect into the several Decays and defects of all
Records in the Land Secretary's and Commissary's Offices
and for the Reparations & Amendments of such Records
therein as we should Judge necessary to contract and Agree
with such pson or psons as would undertake to transcribe or
repair the same

We Certify that we have proceeded to View and Examine
into the State of the said Records and for the effectual tran-
scribing and perfecting such Records in the said Offices as
require the same upon the Application of Vachell Denton
and Edw^d Griffith of the City of Annapolis Clerks (who are
very ready and willing to give such reasonable Security for
the faithfull Discharge of their Duty in that part as we shall
think requisite to require of them) and upon their proposalls
to us, have Considered and Approved thereof and Accord-

U. H. J. ingly on behalf of the publick by the Virtue of the Act aforesaid we have Contracted and Agreed with them the said Vachell
 p. 116 Denton and Edward Griffith for the transcribing new Alphabeting and Carefully Examining such Records as we shall think requisite from Time to Time to deliver them at the Rate of three Pence Curr^t Money of Maryland p side for every Side they the said Vachell Denton and Edward Griffith or either of them shall transcribe or Cause to be transcribed of the said Records (to be computed according to the common computation established by a Law of this Province and practis'd among Officers) untill the same shall be Compleated and Ended which three pence p side we find by the Act of Assembly aforesaid is to be paid by the Publick and therefore we propose that the same shall be Ordered unto them the said Vachell Denton and Edw^d Griffith in the hands of the publick Treasurers of this Province for the Time being, and paid the said Denton or Griffith accordingly by Quarterly or half Yearly Payments, on their making appear to us the number of Sides they or either of them have or hath transcribed or Caused to be so done within such Quarter or Half Years Time

All which at the Prayer of the said Vachell Denton and Edw^d Griffith we Certify in Order that the same (or at least the Substance thereof) may be entred on the Journals of this Session, and Sanctioned by both houses accordingly, as a foundation for and certain Rule to them the s^d Vachell Denton and Edward Griffith in proceeding to the faithful Discharge
 p. 117 of the Trust reposed in them by the Agreem^t aforesaid the Execution whereof we humbly conceive to be a matter of great Consequence to the Country; and are

Your Hon^{rs} most Humble Serv^{ts}

October the 18th 1723.

John Beale Sam^l Young
 D. Dulany Benj^a Tasker

The Report af^d was agreed to by the House and thus indorsed (viz.)

By the Upper House of Assembly Oct^r the 18th 1723

The within Report has been Read and is Agreed to by this House

Signed p Order Sam^l Skippon Cl Up Ho.

And the same is sent to the Lower House by Esq^r Bowles
 Adjourned till morning

Saturday Oct^r the 19th 1723

U. H. J.

Met According to Adjournment

Present

His Honour the Governour

the honble	{	Col W ^m Holland	Col ^o M. Til. Ward
		Col. Sam ^l Young	Ja ^s Bowles Esq ^r
		Col Tho ^s Addison	Jn ^o Rousby Esq ^r
		Phile Lloyd Esq ^r	Benja Tasker Esq ^r
		Col Rich ^d Tilghman	

Members of the upper House of Assembly.

The Message prepared Yesterday relating to the Allowances sent to the Lower House by Col^o Young Col^o Tilghman p. 118 and Col^o Ward with Two Ingrossed Bills

Two Engrossed Bills from the Lower House by M^r Sherwood and one more (viz.)

An Act giving Encouragem^t to make Hemp within this Province, also

An Act for the Relief of Thomas Turner of Charles County Gent, Christopher Belrose, Thomas Cobb, John Gould Tho^s Bezely, and John Ferrel of Anne Arundel County, John Beldom and John Hanly of Calvert County Joseph Gough of Queen Anne's County, and John Clements of Dorchester County Languishing prisoners.

Which Bills were thus severally Subscribed Viz.

October the 19th 1723

Read and Assented to by the Lower House of Assembly and

Signed p Order M: Jenifer Cl Lo Ho.

And the Bills being read are Likewise Assented to by this House and thus Subscribed Viz.

October the 19th 1723

Read and Assented to by the Upper House of Assembly and

Signed p ord^r Sam^l Skippon Cl Up Ho.

A Message from the Lower House by M^r Hill and five more viz.

By the Lower House of Assembly Oct^r the 19th 1723
May it please Your Honors

In Answer to your Message this Day by Col^o Young and two other of your members, we cannot recede from our former Resolutions relating to the Councillors Allowances for the

U. H. J. Reasons mention'd in our Message of the 14th Instant by M^r Beale and five others.

Signed p Order M. Jenifer Cl Lo. Ho.

p. 119 Which Message being read the following Answer was prepared thereto (viz),

By the Upper House of Assembly 8^{br} the 19th 1723.

Gentlemen.

Upon Reading yo^r Message of this Day by M^r Hill & five more we find you are still Resolved not to Allow us any thing for our Attendance as a Council of State. But since our last Message to you on Searching more Carefully into our former Records of Laws we find another Act of Assembly made in the Year 1692 for laying a Duty of four pence p Gallon on Liquors which Act Expressly provides that the Council shall have an Allowance out of that Duty. And as that Duty has Continued ever since only wth the Abatement of One penny p Gallon and is still Applied to the defraying the Publick Charge as it was then, only differing in that it does not Expressly mention the Council which we conceive to be Omitted because It was properly a Publick Charge, and therefore thought to be sufficiently Expressed under that General Term, and as we take the Reason of the Council Allowance being made in Tobacco to be derived from this Law, either because the Council rather Chose to have their Allowances in Tobacco than money, or that the Country rather chose to make their Allowances in Tobacco and Reserve the Money for some more particular Occasion; therefore since you refuse to make us an Allowance as heretofore in the Publick we insist upon having it out of the 3 Pence p Gallon upon Liquors as afores^d

p. 120 which we take to be the proper fund for that Purpose.

But if you Cannot consent so to do, we desire that you will consent that the Journal of the Committee of Accounts may be altered, And Your Allowances as well as ours taken off: for we think we have as much Reason to refuse your Allowances, as you have to refuse ours. With this Alteration we shall be ready to Assent to the Journal and finish the Busieness of this Sessions which Already has been very Long.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col^o Holland and Col^o Young.

The Petition of Rich^d Young late Gate Keeper praying to be Restored to the Office of Mace Bearer and Drummer to the Lower House of Assembly in Consideration of his Age,

Wounds in King W^{ms} Service, and poverty was read and U. H. J. indorsed (viz.)

By the Upper House of Assembly October the 19th 1723

The within Petition relating to a matter purely lying before the Lower House of Assembly is Referred to their Consideration.

Signed p Order Sam^l Skippon Cl. Up. Ho.

Sent with the Original Bills N^o 21, 22, to the Lower House by Esq^r Rousby.

A Message from the Lower House by M^r Crabb and three more viz.

By the Lower House of Assembly 8^{br} the 19th 1723.

May it please Yo^r Hon^{rs}

We have Read the Report of the Committee appointed to Agree with proper Workmen for building a Gate house and Repairing the Town Fence and concur therewith And Capt Joseph Harrison is willing to undertake the Building of the House and to finish the same Compleatly according to that Report for One hundred and Ten Pounds Current Money; and as to the Town Fence we are willing that Thomas Jobson should procure Logs and set up the Fence and be allowed for the same according to that Report with which if your Hon^{rs} Concur the Persons may proceed thereon.

Signed p Order M: Jenifer Cl Lo Ho.

To which Message the following Answer was prepared viz.

By the Upper House of Assembly 8^{br} the 19th 1723
Gentlemen.

We Concur with yo^r House in your Message this day by M^r Crabb and three more

Signd p Order Sam^l Skippon Cl. Up Ho.

Sent to the Lower House by James Bowles and Benja Tasker Esq^r

It appearing to the House from the Treasurers Acc^{ts} of the Eastern and Western Shores annexed to the Journal of the Committee of Accounts that there was a Considerable Sum of Sterling money belonging to the Free Schools in their Hand and Benjamin Tasker Esq^r having offered for the Bills

U. H. J. twenty Eight p Cent advance the House Agreed thereto & the following Message was prepared thereon viz.

By the Upper House of Assembly Oct^r the 19th 1723
Gentlemen.

This House finding that there is in the Public Treasurers Hands four hundred and Eighty one Pounds, seven Shillings and three pence Sterl belonging to the Free Schools and the same not being Easily to be Divided among the several
p. 122 Counties of this Province is of opinion that the best way to Render the said money usefull is to sell the Bills; and Benj^a Tasker Esq^r a Member of this House Offering Twenty Eight p Cent advance on the said Bills or such of them as are in the Treasurers Hands of the Western Shore, we are willing to Agree with him, with w^{ch} if your House concurs the Bills may be sold Accordingly.

Signed p order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Benj^a Tasker Esq^r
A Message from the Lower House by M^r Hawkins and M^r Travers (viz.)

By the Lower House of Assembly 8^{br} the 19th 1723
May it please Your Hon^{rs}
We Concur with your Hon^{rs} Message of this Day by M^r Tasker Relating to the Free Schools Money.

Signed p Order M: Jenifer Cl Lo. Ho.

Which Message being read the following order was drawn up thereon, (viz)

By the Upper House of Assembly Oct^r the 19th 1723.
Pursuant to a proposal of this House and the Concurrence of the Lower House therewith of the same Date with these presents, you are hereby Ordered to deliver to Benjamin Tasker Esq^r the Bills in y^r Possession amounting to £391.1.11 belonging to the Free Schools of this Province He Paying for the same at the Rate of Twenty Eight p Cent advance in six months from the date hereof

Signed p Order Sam^l Skippon Cl Up Ho.

To the Honrble Col^o Sam^l Young
Treasurer of the Western Shore

An Ingrossed Bill from the Lower House by M^r Crab and Captain King Intituled an Act for the Tryal of all matters

of fact in the several Counties where they have arisen or shall U. H. J.
Arise, the Continuance of Causes in the Provincial Court and p. 123
adjournment of that Court thus Subscribed (viz)

October the 19th 1723

Read and Assented to by the Lower House of Assembly &
Sign'd p Order M Jenifer Cl Lo Ho.

Which Bill was likewise Assented to by this House and thus
Subscribed viz.

October the 19th 1723

Read and Assented to by the Upper House of Assembly and
Sign'd p Order Sam^l Skippon Cl Up Ho.

A Message from the Lower House by Col^o Mackall and
three others Viz.

By the Lower House of Assembly October the 19th 1723.
May it please Your Honours

This House taking into Consideration his Honour the Gov-
ernour's Letter to M^r Speaker and the several Messages from
your Honours have, to avoid Disputes, Agreed to Allow your
Hon^{rs} as a Council of State for the Time past with a Resolu-
tion never to Agree to the Like Allowance Again, if Yo^r
Honours think fit to Accept thereof on these Terms.

Signed p Order M. Jenifer Cl Lo. Ho.

A Message from the Lower House by M^r Courts and Major
Malden viz.

By the Lower House of Assembly 8^{br} the 19th 1723.
May it please yo^r Honours

We Agree with the Report of the Committee appointed to
view the Publick Records and that the Quarterly or Half
Years Payments be made by the Commissioners by their p 124
Ord^{rs} on the publick Treasurers according to the Report.

Signed p order M. Jenifer Cl Lo. Ho.

Then the House Ordered an answe^r to be prepared to the
Message from the Lower House this Day by Col^o Mackall
and three others as follows viz.

By the Upper House of Assembly Oct^r the 19th 1723
Gentlemen.

We pceive you are inclined to make a very Advantageous
Bargain with us, by your Proposal, that we should give up any

U. H. J. Pretensions of Right to our allowances for the future, for your Consent to Allow us what we ought to have at this Time; an Offer which we think Unbecoming your House and which we Reject with Indignation If you be pleased to Allow what we claim as our Right we are Ready to Assent to the Journal of yo^r Committee of Accounts; but we have nothing to do with your Resolutions, and the Terms you propose we shall never Agree to

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col^o Addison and Col^o Ward.

A Message from the Lower House by M^r Tyler and three others viz.

By the Lower House of Assembly 8^{br} the 19th 1723

May it please Your Hon^{rs}

Since your Hon^{rs} will not Agree to our Proposals we desire you'll be pleased to send the Journal of the Committee of Accounts that a Committee may be Appointed to lay the Publick Levy; else as we have nothing before us we shall Adjourn

Signed p Order M: Jenifer Cl. Lo. Ho.

p. 125 To which the following Answ^r is prepared viz.

By the Upper House of Assembly Oct^r the 19th 1723

Gentlemen

We have herewith sent you the Journal of the Committee of Accounts, but Cannot Consent to it as it now stands.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by James Bowles Esq^r

Col^o Mackal and M^r Tyler from the Lower House acquaint the Governour that the House has nothing more of Busieness lying before them

In Consideration of which the House prepared the following Message (viz.)

By the Upper House of Assembly Oct^r the 19th 1723

Gentlemen.

We are very much Surprized to hear you tell his Hon^r the Governour you have nothing of Busieness lies before your House, when we but Just now sent Down the Journal of the Committee of Accounts to your House unassented to by us for want of some Addition or Alteration to be made therein. We therefore take the Liberty to put you in mind that although

your House and ours Cannot Agree to make allowances to each other it is absolutely necessary that all other publick Dues should be paid; And for that End we Propose to you once more that your Allowances and ours being taken out of the Journal, we shall be willing to Assent to all the other allowances, by w^{ch} means all the publick Debts will be paid If you refuse this, we hope the Blame will be laid on those who deserve it and we shall be Excused.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by John Rousby Esq^r

p. 126

Adjourned till Monday Morning

Monday October the 21st 1723

Met according to Adjournment

Present

His Honour the Governour

the honble	{	Col ^o W ^m Holland	Col ^o Rich ^d Tilghman	} Members of the Upper House of Assembly.
		Col ^o Sam ^l Young	Col ^o M. Til: Ward	
		Col ^o Tho ^s Addison	Benj. Tasker Esq ^r	
		Phile: Lloyd Esq ^r		

The Journal of the Committee of Acc^{ts} brought up from the Lower House by Col Mackal and five others with the following Message viz.

By the Lower House of Assembly 8^{br} the 21st 1723
May it please Your Hon^{rs}

We are now we hope come to the close of the Arguments about the Allowances your Hon^{rs} Claim as a Council of State; and as those Allowances Ought to be founded on some Law or a Just and Reasonable Custom, and there being no Law now in force, nor Custom that has any Reasonable foundation that we know of, we Cannot recede from our former Resolutions, nor Agree to put our own Allowances which are founded on a Law in Force upon the same Foot with that which has none to Support it. And if it be your Hon^{rs} Resolutions not to Assent to Our Allowances which you are Convinced (as we doubt not) are Just and Reasonable and have a Law in Force to Support them, for no other Cause but that we will not Assent to your Hon^{rs} Claims, which we have given you our Reasons for, we shall only declare that your Hon^{rs} make such use of your Power in this Case, as we hope this House never will of theirs.

U. H. J. We therefore herewith send the Journal of Acc^{ts} Again to
your Hon^{rs} waiting your final Answer

Signed p Order M. Jenifer Cl Lo. Ho.

The petition of Patrick Creagh, praying that an Order may
be given him for Paym^t for repairing the Prison, when his
work is finished, was read, and the following Indorsement made
thereon viz.

By the Upper House of Assembly Oct^r the 21st 1723

We have Considered the within Petition and are willing
that the Petitioner have an Order given him for Paym^t for
Repairing the Prison, as soon as his work shall be finished.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col^o Young
Adjourn'd till morning

Tuesday Oct^r the 22^d 1723

Met according to Adjournment

Present

His Honour the Governour

The hon ^{ble}	{	Col W ^m Holland	Col ^o Rich ^d Tilghman	} Members of the Upper House of Assembly
		Col ^o Sam ^l Young	Col ^o M. Til: Ward	
		Col ^o Tho ^s Addison	Benjamin Tasker	
		Phile: Lloyd Esq ^r	Esq ^r	

p. 128 Upon Reading the Message of Yesterday from the Lower
House by Col^o Mackal and five others, the following Answer
is prepared thereto (viz.)

By the Upper House of Assembly 8^{br} the 22^d 1723.
Gentlemen.

We have Read and Considered Your Message of the 21st
Instant by Col^o Mackal and five others, and are of opinion
that if a Law or Just & Reasonable Custom wou^d induce you
to Consent to our allowances, we should have no occasion to
Dispute with your House about them; for we have hitherto
been sufficiently provided for by those means, as we have
observed to you in Our former Messages Although your
House seems to Resolve not to Regard them and Could you
have given us any Reason of Weight to Avoid Our Claims,

we have so great a Regard to Justice that we should never ^{U. H. J.} have Insisted on them, neither have we ever yet Refused Consenting to your Allowances as you seem to intimate in yo^r Message, But only proposed, that if you would Consent to forbear your Allowances we would do the same by ours, and so put an End for the present to the Contest about them and we wish we may not have more reason to Declare against your House for making an Ill Use of your Power, then you have Against Ours. To Conclude we take the Liberty Once more to Recommend to your Consideration the Act of Assembly made in 1692 for laying an Imposition upon Liquors w^{ch} particularly provides for the Support of the Council; which Act has been ^{p. 129} Reenacted and Continued from that Time to this and thereby Our Claim in money Supported in Law, and to inform yo^r House how that Allowance Came to be Changed into Tobacco, we desire you will Look into the Journal of your House in May 1697 herewith sent, where you will find a Positive Resolve made by the Lower House of Assembly in the following words (Viz.) It being referred from the Last to this present Session of Assembly, whether an Annual Salary of 30 P^{ds} Sterl p Annum shall be settled upon his Majesty's Honble Council instead of the 150 P^{ds} Tobacco p Diem Resolved by the House that such their Allowance in Tob is already well Settled; w^{ch} Allowance has been Ever since accordingly paid and this we take to be a Custom Grounded upon Justice and good Reason, or else that Assembly, and all the Succeeding Assemblies, nay even this present Assembly, till this Session, have acted very unreasonably, w^{ch} we believe you will not Assert. And now, we hope (as you say in your Message) that we are come to the Close of the Arguments about our Allowances, and that you will no Longer Deny us, what by Law, The Resolves of former Assemblies, and as much Justice as that of the Labourers being worthy of his Hire, becomes our Due.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent with the Journal of the Lower House for the Year 1697 by Col^o Holland Col^o Young and Col^o Addison.

A Message from the Lower House by M^r Crab and five ^{p. 130} others viz.

By the Lower House of Assembly 8^{br} the 22^d 1723
May it please Your Hon^{rs}

We are sorry your Hon^{rs} have Come to no better Conclusion on Considering our last Message of the 21st Instant about the Allowances We hoped such Consideration might

U. H. J. have induced your Hon^{rs} to think with good Reasons that tho' Acts were formerly made to support your claims but are since Repealed, and others made in their Stead, that do not support them, one of which is the Act for the Imposition of four pence p Gallon on Liquors; your Claims can be no way Supported now by the Acts that are Long since Repealed tho' once in force; and whether this Allowance be now your Due is the Question and we Cannot conceive but it looks somewhat like a manner of treating us unworthy of Your House, to intimate by your Message, that because an Act still subsists for laying Impositions on Liquor which makes no manner of Allowance to you nor mencon of your Claims, that you are pleased in your Message to call that a Continuation of the same Act that had a Paragraph to favor your Claims which rather seems to be to lead us into wrong notions of those Acts than to Clear up the Truth. We hope therefore as there is now no Law in force to Support your Claim, Your Claim is not now supported by Law, as you by that manner of wording
 p. 131 your Message are pleased to Insinuate. We cannot think Your Hon^{rs} have Cause to charge us with being in the least partially prejudiced in this Dispute, which you plainly do by saying we seem resolved not to regard the Laws and reasonable Customs you produce to support your Claims.

The Laws we don't Regard because, as we have before said, they are repealed; and the Reasons to support your Custom we disregard, because, by the Laws now in Force, we find, there are other moneys raised for the support of Governm^t that is not particularly applied, by the Act that raises it, for the support of Governm^t which says that 12 pence of the 15 pence p hhd, raised for the Support of Governm^t should be applied towards the maintaining the Station and Dignity of his Ldp's Lieut Governour actually residing within this province, and to such other necessary uses tow^{ds} the support and Defence of the L^d Proprietary's Governm^t of this Province as in his Ldp's wisdom to him shall seem meete. Y^r Hon^{rs} may please to Remember that by all the Old Laws, that mention the Support of Governm^t you are included as a part of what is to be supported thereby; The money raised is to be Applied as to his Ldp seems meet. His Ldp best knows of what Value and Esteem your Service is to him. If his Ldp thinks he can apply it to more Advantage for the support of Government or that he had rather want your Assistance than Apply it that way we are obliged to Submit to his
 p. 132 Lordship therein so as that it be Really applied to the support of Governm^t But as there is Sufficient raised for the support of Government, and that the Act for directing the manner of Electing and Summoning Delegates &c^a does say your Hon^{rs}

shall be allowed 150 p^{ds} of Tobacco p Day for each Days U.H.J.
attendance in Assembly Times, and no more; we take it
Clearly that your Hon^{rs} Customary Allowance has no Reason-
able foundation or Cause of its Continuance the 150 P^{ds} of
Tobacco for Attendance in Assembly Time being what we
never Refused.

But we Can't but think yo^r Hon^{rs} refused to Assent to our
Allowances, when you dissented to the whole Journal of Acc^{ts}
and we think what we observed to your Hon^{rs} by that Message,
on that Head, is obviously right And as your Hon^{rs} implicitly
allow by your Message, we never have made such use of our
Power as we there Complain of, we Assure your Honours,
we, and we hope our Successors never will, and we hope as
an Instance of your Hon^{rs} declining with Abhorrence the
making such use of yours, you'll think fit to Assent to the
Allowances concerning w^{ch} there is no dispute, by sending
down our Journal with your Assent that the Busieness and
charge of this Session may at Length determine, or lye at
their Door that Cause them to Continue and Increase; while
we Content ourselves with and persist in doing our duty as
faithfull Stewards for them we Represent.

We therefore Rely on our late Conclusion, which we are p. 133
Clearly satisfied the Journals you Quote show no Cause for
Altering.

Signed p Order M: Jenifer Cl Lo Ho.

Adjourned till morning

Wednesday Oct^r the 23rd 1723

Met According to Adjournment

Present

His Honour the Governour

the honble	{	Col ^o W ^m Holland	Col ^o Tho ^s Addison	} Members of the Upper House of Assembly.
		Col ^o Sam ^l Young	Col ^o Rich ^d Tilghman	
		Phile Lloyd Esq ^r	Benjamin Tasker Esq ^r	

A Message from the Lower House by M^r Courts & Captain
Hooper viz.

By the Lower House of Assembly October the 23^d 1723
May it please Your Hon^{rs}

We have had nothing of the Publick Busieness before us
under Consideration for some Time nor could we imagine

U. H. J. any other Cause for our being thus Long Continued sitting at the Country's Expence, without its being left in our Power, as we conceive to do it Service, unless that your Hon^{rs} had designed to return us the Journal of Acc^{ts} with your Assent or Dissent thereto; w^{ch} we now hope yo^r Hon^{rs} will send us or that you will Use your Endeavours to conclude the Sessions without it, and nothing that is proper to be done on our part shall be wanting towards it.

Signed p order M: Jenifer Cl Lo Ho.

p. 134 And the following Answ^r was prepared thereto (viz)

By the Upper House of Assembly October the 23^d 1723
Gentlemen.

In Answer to your Message by M^r Courts and Captain Hooper the Journal of Acc^{ts} now lies before us, and Requires some Time for our Consideration; and we conceive it not Consonant to the Wisdom of publick Assemblies to do things in an Hurry We desire therefore that you wou^d not be Impatient at a small delay, w^{ch} may prevent great Mistakes; and you may Assure yourselves that nothing that is Proper to be done on our parts shall be wanting towards the happy Ending of the present Sessions

Signed p Order Sam^l Skippon Cl Up. Ho.

Sent to the Lower House by Philemon Lloyd Esq^r
Adjourn'd till Morning

Thursday October the 24th 1723

Met according to Adjournment

Present

His Hon^r the Governour

the honble	{	Col ^o W ^m Holland	Phile: Lloyd Esq ^r	} Members of the Upper House of Assembly
		Col ^o Sam ^l Young	Col ^o Rich ^d Tilghman	
		Col ^o Tho ^s Addison	Benj ^a Tasker Esq ^r	

A Message from the Low^r House by M^r Beale and three others viz

By the Low^r House of Assembly Oct^r the 24th 1723.
May it Please your Honours

This morning now almost spent we have waited your Hon^{rs} Commands and Again desire on behalf of Our Country that

as you are pleased in some of your Messages, relating to the U. H. J.
Debate before you to Recommend yourselves (not unworthily) p. 135
as Servants of Consequence to the Country that you would
please to exert your Selves tow^{ds} the putting a period to the
present and increasing Charge of this Session.

We have Agreed on a Congratulatory Address to his
Majesty on the Occasion of the late Conspiracy, if your
Hon^{rs} have thought of Joyning therein with us 'tis Ready
wrote with a Blank for your so doing

On your Signifying your inclination to Joyn, we shall send
you up our draught We pray your Hon^{rs} speedy Answer that
we may not be delayed in signing the same Ourselves if your
Hon^{rs} Joyn not.

Signed p Order M: Jenifer Cl Lo. Ho.

And the following Answ^r was ppared thereto viz.

By the Upper House of Assembly October the 24th 1723
Gentlemen.

We have Considered your Message of this Day by M^r Beale
and three others and in a Little Time shall send you our
Thoughts in Relation to the Debate Between us, and also Joyn
with you in doing what is proper tow^{ds} the putting a Period
to the Charge of this Session.

As to what you further Propose we are very Ready to Joyn
with you in a Congratulatory Address to his Majesty on his
happy Deliverance from the late trayterous Conspiracy, and
to that End we desire you would send us yo^r Draught thereof
by some of the members of yo^r House

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col^o Tilghman and M^r Tasker p. 136

A Message from the Lower House by M^r Warfield and
M^r Bozman viz.

By the Lower House of Assembly 8^{br} the 24th 1723
May it please Yo^r Honours

We wonder that you should Suggest by your Message of
the 23^d Instant that the Journal of Accounts now before you,
requires some Time for your Consideration; since by your
Message of the 19th Instant (before which your Hon^{rs} had
it several Days before you) you are pleased to signifie to us
your being willing to Assent to all the Allowances therein
Except Your own and Ours. Your own and ours are so well

U. H. J. known to you and us, that we presume you Could not be unacquainted with them. We therefore Appeal to your Hon^{rs} whether the Reasons Offered in your last Message can with any reasonable Colour be taken as the Real Cause of the Delay we Complain of.

Signed p Order M. Jenifer Cl Lo Ho.

John Beale Esq^r and three others bring up from the Lower House of Assembly the Draught of their Address to the King's Majesty, which follows

To the Kings Most Excellent Majesty
Most Gracious Sovereign.

p. 137 We your Majesty's most Dutyfull and Loyall Subjects his Ldps Lieut Govern^r and the Upper and Lower Houses of Assembly of your Majesty's Province of Maryland humbly embrace this the first Opportunity of our meeting together in a publick Assembly since we have heard of the late horrid Conspiracy ag^t yo^r Majesty's Person, Family and Governm^t of Congratulating with the Rest of our Fellow Subjects your Majesty's Happy Discovery of that Detestable Plot, and your Deliverance from the Consequence of it which we now heartily do with thanks for the Blessings we Enjoy by this so happy a prevention of all the Temporal Evils that Could be well Imagin'd.

We Bless Heaven for the pleasing prospect we still have of the Continuance of your Majesty's Health, preservation and prosperity as the only Temporal Means of preserving to us our Religious, and Civil Rights and properties, w^{ch} we pray the same Heaven long to Continue to your Majesty and that the Throne of Great Brittain may never want an Heir of your Descent to perpetuate the Like happy Prospects to us and latest Posterity.

We implore your most Sacred Majesty's most Gracious Acceptance of this our most Humble Congratulatory Address; and that According to our Steady Loyalty to your Majesty, and strict Adherence to your most Illustrious House we may Always be Regarded by your Majesty & esteemed as of the Number of

p. 138 May it please Your Majesty

Your Majestys most Dutyfull
most Loyall and most Faithful
Subjects and Servants

Which Draught being Read and Approved of by the House U. H. J. the following Message was prepared thereon viz.

By the Upper House of Assembly October the 24th 1723
Gentlemen.

We have Considered your Draught of a Congratulatory Address to his Majesty, sent us by M^r Beale and three others, and we Approve of and are Ready to Joyn with you in the Same, and his Hon^r the Governour being present was pleased to declare his willingness to Joyn in the same Address which he ordered us to Signify to your House, as likewise that he would take the first Opportunity of transmitting it to his Lordship, in Order to its being presented to his Majesty.

Signed p Order, Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col^o Holland.

Then the House took into Consideration the Message of the Lower House of the 22^d Instant by M^r Crabb and five others and after some time spent therein the following Answer was prepared thereto viz.

By the Upper House of Assembly 8^{br} the 24th 1723
Gentlemen.

It seems to have been the Wisdom of [the] Legislature when Assembled for the making of such Wholsome Laws and Ordinances as may Conduce to the publick Good of the Country, to Cultivate with the Greatest Care imaginable, a good Understanding between the two Houses; by Carrying on all their Debates, and Generally all matters in Dispute, Calmly and with Good manners; least some unseasonable Resentments at the mode of Proceedings, might Interrupt the more weighty Busieness of the Governm^t and whether this House hath pursued those Steps or no, your own Journals, wherein our sundry messages are Recorded, will Answer for us. But Gent. give us Leave to tell you with a Plainness that becomes the Superiority of Our House, that we have a great Deal to Complain of upon that Head. The Thing now in dispute between the two Houses is concerning Civil Right; and altho' that Right, w^{ch} the Journals of your own House Evidently makes appear to be Justly Ours, hath been denied us by sundry Messages from you yet have we proceeded in all things According to the Rule already laid down; and have Endeavoured by the proper ways of conferring with yof House, to bring you to Reason; But notwithstanding that your Sentiments are so much different from ours; yet have we not by any illegal use of our Power, nor by any false insinu-

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U. H. J. ations attempted to Surprize you, or to bring you over to our opinions however Just and reasonable we ourselves may think
 p. 140 them to be. We have proceeded in the usual Methods Practised between the two Houses and thereby have done our Parts tow^{ds} the preserving a perfect Confidence and Good understanding between your House and ours: which you seem to have forgot, if we may judge of your Sentiments by the matter contained in your Message of Tuesday last by M^r Crabb and five others. For notwithstanding that you have refused to make us the Customary Allowances, for attending as a Council of State; yet have we not fail'd in Point of Charity, or good manners, tho' greatly provoked thereto, as believing that your denial proceeded rather from a Principle of Justice to your Country, than from any Resolution of denying us that which you your selves once thought to be our Just Right.

Whilst You, we must be free to tell you, for want of those good Dispositions, wth an Uncharitable Construction upon the Manner of our Claims, load us with sin of Calumny, and as treating you in a Manner unworthy of our House; which in your Opinion, as it is insinuated in your Message, we ought to decline with Abhorrence We must confess th^t we have been Always ready and willing to be Advised by the Lower House, in matters that regard the Publick Good; but as to Acts of Abhorrence, we must let you know, that they ought rather to Come up from your House where the foundation of them was first laid by an Unparliamentary & unpresided Charge
 p. 141 against us, as acting unworthily of our House, when we insisted barely upon a matter of Right which the Journals & former proceedings of both Houses do sufficiently Justify us in and prove Evidently that the unworthy Acts of this Session, ought not to be laid at our Door.

Gentlemen, We are still of Opinion, that Our Claims as a Council of State, are founded on Law and good conscience; without the necessity of Coming up to those better conclusions, which you expect from us. For it seems by your Message of the 15th Instant that the proceedings of your own House are grounded upon mistakes, which insensibly wound our happy Constitution, that hath made a Provision of Councilors for the Aid & greater Security of Princes and Governours upon all Emergent Occasions, wherein nevertheless, the Common Weal of the People is necessarily involved. We readily Agree with you that so Long as you look upon the Office and Busieness of Councilors of State, to be for the Support of the Prerogative only, it is no wonder th^t you are so unwilling to burthen your Country with the Charge of Our services But give us leave Gent to tell you that the Duty of our Office, as well as the Oath which we have taken, for the

Just discharge of the Trust reposed in us intitles us to much U. H. J. more useful Services, which it seems upon some Occasions, Your House it self was not insensible of, seeing it is very Justly affirmed in the same Message that you do not in the least Doubt of our having the commonweale of this Province as much at heart, when we Act as a Privy Council (or Council of State) as when we Act in Conjunction with your House & p. 142 therefore seeing that our office is of so much importance to the publick Good of this province, we may very reasonably expect a Reward for our Services upon all such Important Occasions.

We must further Observe to you that whatever Esteem or Value his Ldp shall please to put upon our Services, in Relation to our Continuance in the Office of Councillors, we must entirely submit that to his Ldps Good will and Pleasure. However we are not willing to give up the Reward of our Attendance, so long as we have already Acted in that Station, being very well Assured that if the Value of the Reward were Always to be measured by the worth of the Service, the Members of our House would have as good a Plea for themselves as many other people of the world, that are paid for their Services to the Country.

For if the Labourer according to the Divine Predication, be worthy of his Hire we think ourselves Justly intituled to the Allowances which we Claim, nor is it any way Satisfactory to us that your House at this Time hath made it a Question whether any thing be due to us or noe And if that there be you very generously Thrust us upon his Ldps Grace, and leave us there to be paid, According to the Value himself shall put upon our Services. This Gent we must tell you, is not very Agreeable to those hard Struggles w^{ch} our Constitution hath formerly had for Liberty and Property, But waving that p. 143 we think our Services deserve a more Certain Reward than to depend upon the Absolute will of our Superior, not that this House has any Cause to Suspect his Ldp's Generosity, w^{ch} is particularly Eminent upon Sundry great Occasions; yet Gent: we are loth to set an Ill President to future Ages, by making a Complement of our Right, w^{ch} is not only founded in the Common Law, and Consequently Common Right of our Country, but hath been declared so by the Legislature of this Province fifty two Years Ago, in an Act intituled an Act for raising and providing a Support for the Lord Proprietary in these words Viz. That as Governm^t is necessary for the Conservation of all Societies the Charge of every Governm^t without which it cannot possibly Subsist, ought to be born by those whose Conservation depends upon the Governm^t for and towards the defraying the many Great and necessary

U. H. J. Expences of Government Among which Exigences and necessary Expences of Government the Sallaries of his Ldp's Privy Council are enumerated. But after the Revolution and that his Majesty King William the third had taken the Govern^t of this Province into his own Possession Lionel Copley Esq^r was Appointed Governor thereof. That Gentleman conven'd a General Assembly at Saint Mary's upon the 10th day of May 1692 at which Session among other things an Imposition of 4^d p Gallon was laid upon Liquors Imported and part of the Impost arising therein applied to the Support of the Council of State.

p. 144 Thus Gentlemen we find the case stand upon the Journals of those Times & that the Councelors were p^d their Allowances out of that Impost Duty of 4^d p Gallon, 9^d of the Impost of 12^d p hhd being p^d to the Govern^r and the Remaining 3^d Appropriated for Arms &c^a for the Country's use; so that the Councelors had no place of Resort but in the Country, who made provision for them by the Act Af^d But that Act as we find it, also was repealed, within two years Time & one other Act made at a Session held at S^t Mary's Sept^r the 21st 1694 whereby the same Impost of 4^d p Gallon upon Liquors, was still Continued to the Uses in the same expressed (viz) for the Building and repairing Court Houses Free Schools and such publick Services.

And Altho' those words, such publick Services may Admit of various Constructions, yet the sense of the Legislature of that Time, is altogether in our favour they made the Act thus and they were the best Acquainted with the Intention of it, and as if the Councelors Salaries had been expressly mentioned among those other Publick Services, they paid them off duely out of the Revenue arising from that Act; untill the Time that 150 P^{ds} of Tobacco was Assigned them in Lieu of their Sallarys at 30 £ Sterl p Annum, as appears more fully by a loose sheet of the Journal of the Lower House Page 45, whereon it appears that the Councelors were p^d their Sallaries pursuant to that Act the Latter End of the Year 1694 The like paym^{ts} Appear upon the Journal of 1695 and more particularly Expressed to be paid according to Act of Assembly in 1696.

p. 145 We must tell you likewise, that we think Ourselves very much wrong'd in the charge of Insinuating Things that might lead you into wrong notions of the Acts; for there being no other Fund for the Payment of the Councelors Salaries than the Impost Act of 4^d p Gallon laid in 1692 the Legislature took care upon the Repeal of the Act, to include those Salaries in the Impost Act of 1694, as it is very Evidently made out to you already by the sundry payments Annually made to them

out of the Impost Duty But we wish for the Sake of that Good U. H. J. Correspondence w^{ch} is necessary to be preserved between the two Houses, that you had not given us Just grounds of bringing the same Charge ag^t y^r House, when you would Insinuate to us, because in Assembly Time we are allowed by Law 150^l of Tob^o p Day & no more that therefore we are precluded from our Claim on Acc^t of Other Services. We are very confident that many of the Members of Your House would not be well pleased to be ty'd down by such a construction, which indeed is too puerile and Ludicrous to take up any more of our Time We therefore wave it as we have done other Things to let you see our good dispositions to make an Amicable Conclusion of this Session.

Gentlemen, We take these Payments made by the Assembly to be so many Incontestable Proofs of the design of that Act in the words such Publick Services, which we can with a great deal of Justice say is no forced Construction; it being made Sacred to your House by the Sanction of a Resolve wherein p. 146 it Appears that the Countrey did not only pay the Counselors Allowances at that Day (viz) Upon October the 2^d 1696 but resolved that such payments were made according to Act of Assembly We must further observe to you Gentlemen that it was a very hard task laid upon our House, to trace the first Growth and Progress of the Council Allowances w^{ch} Being made by the Country for more than thirty years past, upon Consideration that the 12^d p hhd, out of which the Counselors were paid in the L^d Proprietarys Time hath been entirely applied to such other Uses, as leaves no Room for the payment of the Council, otherwise then by the Country w^{ch} they were perfectly well Apprized of and therefore paid their Allowances by the Impost upon Liquors, untill the year 1697 that it was resolved by the Low^r House that such Allowances of 150 ls of Tob^o p Diem was well Setled

Now Gentlemen seeing our Right to our Allowance or Salary, Call it which you please is so Clearly made out to you, both by the Journals of former Assemblies and the Practice of Later Times, wherein we have been always paid our Allowance by the Country, it cannot any Longer Remain a Question in your House whether we ought to have any Allowance or no Altho' it seems to us that another Question may arise among you as the Result thereof, that is whether we should be paid by my L^d Proprietary out of the 12^d p hhd or by the Country as heretofore. It seems to us that the Act of Assembly by which the Revenue of this province now is established that the 12^d p hhd raised tow^{ds} the maintaining the Dignity and Station of his Ldp's Govern^r &c^a hath put that p. 147

U. H. J. money so far into his Ldp's Power, that we Cannot have the least Expectation that he will be pleased to part with any of it to us, seeing that at the Time of Raising it, we were paid by the Country.

Moreover his Ldp who hath expressed a great deal of Generosity and good will to this Province, upon some Important Occasions, must look upon it as a very Ungenerous Surprize to find the Revenue, after the passing that Act, to be now incumber'd wth Charges, which ever since the Revolution have been defrayed by the Country, and are as unknown as unexpected by him. And what will make them still the more Surprizing is that his Ldp will not find upon the Journals of either House the least Mention thereof; Wherefore we desire you will Consider better of it, and put an End to the Session by making us the Just and Customary allowances

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col Addison & Col^o Tilghman
Adjourned till Morning

Friday October the 25th 1723

Met According to Adjournment.

Present

His Honour the Governour

the honble	{	Col ^o W ^m Holland	Phile Lloyd Esq ^r	} Members of the Upper House of Assembly
		Col ^o Sam ^l Young	Col ^o Rich ^r Tilghman	
		Col ^o Tho ^s Addison	Benja Tasker Esq ^r	

p. 148 A Message from the Low^r House by M^r Tyler & 5 Others
viz.

By the Lower House of Asesmbly Oct^r the 25th 1723
May it please Yo^r Hon^{rs}

Your Message of the 24th Instant by Col^o Young and two others seems rather to require a coment than an Answer and consists as we understand it of no other matter than

1 The same pretended Reasons you gave us in your former Messages

2 Of Rhetorical florid Expressions to grace those pretended Reasons &

3 Of Reproaching us with your own mistaken manner of treating us.

The second and third of these your and our Journals which ^{U. H. J.} you so Often Appeal to, be the Evidence, and let an Impartial Reader Judge. We are Resolved not to be lead from our Country's Busieness by any thing you shall offer to divert us nor take further notice of the manner wherein you are pleased to dress your Reasonings in your last Essay, save that we think your former Messages Exprest yo^r Intent with Elegance and Conciseness and this late One with less of those and much more prolixity and Circumlocution.

We therefore Again (in your method) repeat our Conclusion that the Acts you insist on to support y^r Claim are and long since all Repealed

That the Custom you Insist on has no foundation for the Reasons we have already shown in our former Messages and because The Journals you last quote in your favor were in 1696 & 97 when the Acts in being that settled the Revenue for the Support of Governm^t One whereof in the Russet Cover'd ^{p. 149} Book of Laws Folio 117 is Intituled an Act for Settlem^t of An Annual Revenue upon their Majestys Governor of this Province for the Time being Anno 1692 Another Act of the same purport and Title Anno 1699 in the Large Vellam Law Book fo: 30. By these Acts there was no Room left for the Council but the whole Applied to the Govern^{rs} Support. This made it Reasonable to Allow them Wages out of the Publick, there being no other provision for them. But by the Act for settling the Revenue now in force, there is Room Left and plain Provision made for them. If his Ldp pleases to Apply it, so; if not, we can lay no restraint on him, and yo^r Hon^{rs} may more properly apply to him on this Occasion than we.

We therefore again tell your Hon^{rs} we are convinced in our Consciences, you have neither Law nor Reasonable Custom to support your Claims, and that we will not Act Contrary to this Conviction on any Consideration whatever let the Consequence be what it will.

Signed p Order M. Jenifer Cl. Lo: Ho:

Which Message being Read the following Answer was prepared thereto

By the Upper House of Assembly Oct^r the 25th 1723
Gentlemen.

As it was not the Design of this House to prolong the Session by giving you occasion of Comments or by Enlarging our last Message further then was necessary for our own Justification, we shall now purposely avoid anything that may give ^{p. 150} a Handle to Disputes that are foreign to the present Debate

U. H. J. Between the two Houses and do Assure you likewise that we are so far from designing to divert you from the Country's Busieness, that we shall very readily Embrace every Opportunity which you shall lay before us of Acting for a Publick Good in Compensation of the very Great Expences, w^{ch} the Country is now put to by yo^r refusing to make those Allowances w^{ch} in your own Message of this Day by M^r Tyler and five more you have Acknowledged to be both reasonable and Customary, and Consequently very Just now seeing that no Intervening Incident hath Obstructed the Course of Justice; which hath still the same free Passage as it had before the Acts of 1692 & 1699 were determined and that we are now upon the same good foundation which the former Council stood upon, when their wages, as you Call it, were paid and Allowed by the Country to be both Reasonable and Customary.

We are not willing, Gentl; to interrupt the Course of the Debate, otherwise we might tell you, that such a Resolve as your Message seems to be Grounded upon, Draws a very heavy Charge ag^t the prudence & Circumspection of the Lower House of Assembly which for so many years as since the Expiring of the Act of 1699 have Expended vast sums of the Country's money without having as much as a reasonable Custom to Support it. But waving that,

p. 151 You say that because the Acts of 1692 & 1699 had applied the whole Revenue to the Support of the Governours of Those Times, it was thought Reasonable to make the proper Allowances to the Council out of the Publick and the Reason which you Assign for it is this, that there was no other Provision made for them The Conclusion is so very Just and clear that it leaves no Room for objection; we must therefore acquiesce with you; and now more than ever hope the Premises being the same, and the same Reason still Subsisting viz. no other Provision made for the Council, that we shall have the same Justice done to us now, as was heretofore Practised in former Assemblies, by paying us out of the Publick.

This being the true State of the Case, we beg of you Gentlemen, to Consider the great Charge you are now running the Country to by expending their Money in Multiplying Unnecessary and ill Grounded Debates about the Councils Claims w^{ch} you yourselves acknowledge, even in the like Case, to have been reasonable Allowances, tho made but a few Years ago.

For as to the Act mentioned in your Message for Settling the Revenue and now in force, it doth not leave any Room nor is there any provision made therein for the Council's Allowances Unless his Ldp be graciously pleased to Apply

some part of the Revenue that way. If so, it is very well; we shall be paid But if his Lordship refuse, what then, why then you confess there being no Restraint in the Act upon his Lordship or other Obligation upon him to make any Allowance to the Council, that we must go without any Allowances at all. Are we not upon your own Principles Gentlemen, Reduced to the same Circumstances with the Council of former Times (Viz.) that there is no provision for the Council in the Act and Certainly the same Reason will hold good as prevail'd in former Times viz. That the Council should have a Reasonable Allowance out of the Publick

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The Presidents of former Assemblies in the like Cases being wholly on our Side, ever since the Time of the Revolution, we cannot help Expressing our Surprise, that the Lower House should impose so ungrateful a Task upon us as to Apply to his Ldp for the Support of the Publick Charge out of his own Revenue; or otherwise to subject our Just Rights for Services done the Country, to the mere will and Pleasure of the L^d Proprietary, who, as you confess, is under no manner of Restraint to pay his Council and as there is no Provision made for the Council, this House must still insist upon having the Reasonable and Customary Allowances and thereby put an End to this Long and Expensive Session.

Signed p Order Sam^l Skippon Cl Up Ho.

Adjourn'd till morning

Saturday Oct^r the 26th 1723

Present.

His Honour the Governor

the honble	{	Col ^o W ^m Holland	Phile Lloyd Esq ^r	} Members of	p. 153	
		Col ^o Sam ^l Young	Col ^o Rich ^d Tilghman			the Upper House of Assembly.
		Col ^o Tho ^s Addison	Benja Tasker Esq ^r			

The Message prepared yesterday sent to the Lower House by Col^o Holland Phile Lloyd Esq^r and Benja Tasker Esq^r

His Honour the Governor was pleased to write to this House and give them Notice that he intended to put a Speedy End to this Session; for some Reasons therein Expressed, the same was Read and is as follows Viz.

Gentlemen of the Upper House of Assembly.

Inclosed I send you an Address from the Lower House to me, and my Answer thereto. I earnestly desire you will

U. H. J. Accommodate the Differences between yours and the Lower House, in the Best manner possible, because I design to put an End to the Session this Evening. I hope Gent you will not Construe this, that I any ways direct you what to do, because it is no part of my Duty, but only to use my Good Offices wth your House that the Publick may be put to no more Expençe. I am

Gentlemen with great Esteem

October 26th 1723

Your most humble Servant

To the Hon^{ble} the Upper House
of Assembly

Cha: Calvert

The Address mentioned is as follows Viz.

By the Lower House of Assembly October the 26th 1723

To the Hon^{ble} Cha Calvert Esq^r Governor of Maryland.

The Humble Address of the Low^r House of Assembly
now sitting.

p. 154 May it Please yo^r Hon^r

As We look upon your Hon^r to be the last Recourse we can have here in Quest of Justice in our Parliamentary Proceedings, we therefore make it our Humble Suit to your Hon^r that since sitting nigh this Week at the Countrys Expençe, and to our own very great fatigue without having any thing new Proposed to us from the Honble the Upper House & being under Daily Expectation of having the Session Concluded, we could not proceed to any thing new in our own House, lest such Proceeding should be interrupted by such conclusion; we having Room Given us to Believe it might be hourly Expected, and forasmuch as it is our Real opinions, from the best observations that we can make, that the Honble Upper House endeavours to Impede or at least Delay the putting an End to this unnecessary and Expensive Charge by insisting on matters wherein themselves are interested, and pretending to continue Argum^{ts} thereon, tho' they are driven to the necessity of Repeating and new Dressing their old ones Instead of Offering new after they have had the Resolutions of this House frequently repeated to them, that we could not even for Duty and Conscience sake Comply with their Demands, whereby it seems as if they Endeavoured to enforce us to Submit to their bad Reasonings, as by a Kind of Duresse w^{ch} we are firmly Resolved we will never do unless Our Consciences can be Satisfied of the Right of their Claim

p. 155 We therefore humbly pray yo^r Honour that you will be favourably pleased to interpose y^r Authority and to dismiss

us either by Prorogation Dissolution or Adjournment as to U. H. J.
your Hon^r shall seem meet; unless your Hon^r shall think fit
to Propose any Matter yourself that you may think proper,
which we shall ever pay all due regard to, and shew your
Hon^r how much we are

Your faithfull Dutiful and Obedient Servants
Sign'd p Order of the House R. Ungle Speaker

His Hon^{rs} Answer to this Address is as follows viz.

M^r Speaker

I desire you will please to acquaint your House that I return
them my Sincere thanks for the great regard they Express
for any thing that shall come from me to your House. I have
nothing to lay before them, and am heartily sorry any mis-
understanding has arose between the two Houses; nothing
shall be wanting in me to accommodate this Difference and
will put a Speedy End to this Session If your House doth not
proceed on further Busieness

I am Your very humble Servant

October the 25th 1723

Cha: Calvert

To the Hon^{ble} M^r Speaker

A Message from the Low^r House by M^r Beale and five
others viz.

By the Low^r House of Assembly October the 26th 1723
May it please Your Hon^{rs}

p. 156

In Answer to your Message this Day by Col^o Holland and
two other of your members we are at a Loss to know by what
part of our Message of the 25th Instant we have acknowledged
your Allowances to have been both Reasonable & Customary,
so as to give your Hon^{rs} the least colour for the consequence
you are pleased to draw from that Message viz. that those
Allowances are now Just. Certain we are that there is nothing
Contained in that Message or our Intentions to warrant such
an Inference, we have indeed Agreed that such Allowances
have been made by Virtue of Laws formerly in Force But
that that should Continue after the Repeal of those Laws is
a notion too ridiculous to prevail with us or any people in
their Senses

We must with Regret confess that some late Assemblies
have Agreed to the Allowances yo^r Hon^{rs} now Claim altho'
no better founded than at present we apprehend for want of
duely Considering the Alteration, the Repealing of the former

U. H. J. Laws, and making the present Provision by the Act now in Force for the Settling the Revenue, made in the Case; which unhappy, as well as illegal Concessions are (tho' but poor ones) the foundations of the present insupportable publick Expence and intolerable fatigue to ourselves, which we hope will be Warning to future Assemblies to prevent their giving way to wrongfull & unjust Taxations, And let them know that whenever they once do so, such Taxations will be demanded as Things due of Common Right and that must either be given up or the People put to excessive charge in the Vindication of their Just Right

p. 157 It is very Surprising to us to hear Again in this Last Message that there is no other Provision than the Allowance now Claim'd when yo^r Hon^{rs} as well as this House must undoubtedly be acquainted that the Law of 12^d p hhd so often mentioned makes a Provision and your not receiving the Benefit of that Provision can never Justify us in Assessing that Again on the People which they have already paid. We hope never to be such Unjust Stewards to those we represent, or instead of insisting on their Just Rights, as in Duty we are obliged, be instrumental to their being unjustly Burthened and Oppress'd.

We Agree that the running the Country to great Charge by unnecessary Messages is worthy our Consideration, and we are as far concern'd for it as faithfull Representatives ought to be. But we cannot at the same Time, but reflect with Satisfaction, that the share we have in those Messages is not of our own Choice, but that we are reduced to the necessity of bearing the same, or to betray our Country which we are fully determined not to be guilty of, And we hope the Journals of this Assembly will evince to Posterity & ascribe the unnecessary Charge and Delay of Business this Session, to the true Authors of it.

May it Please your Honours

We doubt not but long ere this you have been Acquainted with our last humble Address to his Hon^r the Governour and
p. 158 with his kind indulging answer thereto. From which it plainly appears to us, that the Prolonging this Session, and Consequently the Increase of the Country's Charge is wholly Caus'd by you, in favor of your small personal Interest in a temporary Claim. By which it is Undeniably evident, how ready you are, for so small a trifle, where self is concerned, to burthen the Province, and prostitute its Interest to latest Posterity; even tho' as we before Reminded you, in Order to obtain it, you make use of a Method of treating us by Arguing falla-

ciously, and Using us with Indecencies unbecoming your U. H. J. House to Offer, or ours to bear: And therefore think it seems but too Plain, that you are pleased to Use that Superiority, you lately Valued yo^r selves upon to us, as a Commission to insult us, which lessens that Tenderness and Respect we have hitherto treated and should still treat you with, did you use us as Creatures Rational. But when we see you shake off all respect, except in what you respectfully and Often promise, but never perform viz. to Endeavour to End this Session, we may be well Allowed to treat you with that plainness that is due to the Impositions offered us. And for avoiding such other plain but proper Usage, as perhaps may give you further Pretences of Complaining of our freedom, We desire you will rest Satisfied with our late Conclusions which no necessities shall ever Oblige us to depart from

Sign'd p Order M. Jenifer Cl Lo Ho.

The Message Above being read the following Answer was prepared thereto viz.

By the Upper House of Assembly Oct^r the 26th 1723 p. 159
Gentlemen.

We shall not enter into the Debate with you, whether you be in your Senses or no but this we may very Justly Affirm, that any man in his Wits may read in Plain English your Message of Yesterday Viz. that the whole Revenue being applied to the Governor left no Room for the Council; and this, as you lay down for a Rule, makes it Reasonable to allow them wages out of the Publick, there being, as you Allege, no provision made for them. This Rule you say the former Assemblies Walked by; and by the same Rule it is that we are willing to be govern'd now; and Affirm from the Terms of the Message af^d that there is now no more Room for the Council than at those Times, when the same Allowances w^{ch} we now Claim, were thought reasonable. For in yo^r Message you acknowledge that no Restraint can be laid upon the Lord Proprietary by the Terms of the Act, how then, or by what means shall we come by our Allowances, or what provision is there more for us now than if no such Law had been ever made, as that which you refer us to, in which we are not so much as mentioned, nor included within the Intention thereof, as we apprehend.

But if in your Opinion Gentlemen, there be any Certain Provision made for us which we know nothing of, it had been much more Agreeable to us, & much more becoming the Low^r House to have pointed out to us such Provision, that we might

U. H. J. have profited ourselves thereby, than to have Employed your
 p. 160 Time in writing a Satyr upon our Just proceedings. In Relation
 to which we shall only let you see that as we have the Superiority in our House, we are Resolved by a disregard of your Abuses, to Intitle ourselves to it in Good manners also, and so we shall refer all further Debate on the Head of our Allowances to another Session.

Sign'd p Order Sam^l Skippon Cl Up. Ho.

Sent to the Low^r House by Col^o Young and Col^o Tilghman together with the Journal of the Committee of Accounts Assented to and thus Subscribed (Viz.)

October the 26th 1723

Read and Assented to by the Upper House of Assembly, saving to ourselves all Rights to Claim the Usual Allowances heretofore made to us as a Council of State and Omitted in this Journal or any other Thing past in this Session to the contrary Notwithstanding

Signed p Order Sam^l Skippon Cl Up Ho.

A Bill from the Low^r House by Col^o Mackal and M^r Tyler Intituled An Act reviving and Continuing an Act intituled an Act for Limitation of Officers' Fees and for Supplying some Defects therein; thus Indorsed viz.

By the Lower House of Assembly Oct^r 26th 1723

Read the first and second Times by especial order and will Pass.

Signed p Order M. Jenifer Cl Lo Ho.

The which Bill was read and thus Indorsed viz.

p. 161 By the Upper House of Assembly Oct^r the 26th 1723
 Read and will Pass.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Phile. Lloyd Esq^r

A Message from the Low^r House by M^r Dent and M^r Travers viz.

By the Low^r House of Assembly Oct^r the 26th 1723

May it please Your Hon^{rs}

We desire to know whether your Honours will be pleased to Joyn us in making Allowances to the Several members and

Officers of both Houses in money for the Tobacco Due to U. H. J. them at the Rate of ten shill^s p hundred, for the Time, they have attended since the closing the Journal of the Committee of Acc^{ts} with which if your Hon^{rs} agree the Committee for laying the Publick Levy may make the same Accordingly.

Signed p Order M. Jenifer Cl Lo Ho.

An Engrossed Bill from the Lower House by Captain Hooper and M^r Eliot for Limitation of Officers Fees &c^a thus Subscribed viz.

October the 26. 1723

Read and Assented to by the Low^r House of Assembly &

Signed p Order M Jenifer, Cl. Lo. Ho.

And the Bill was read and Assented to by the Upper House & thus Subscribed viz.

October 26th 1723

Read and Assented to by the Upper House of Assembly &

Sign'd p Order. Sam^l Skippon Cl. Up. Ho.

A Bill from the Lower House by M^r Edward Wright and Captain Hooper Intituled an Act for the payment and Assessment of the Publick Charge of this Province for this present Year 1723 and for Confirming the Journal of the Levy in the year 1722 thus Endorsed (viz.)

By the Lower House of Assembly Oct^r the 26th 1723 p. 162

Read the first and second times by especial Order and will Pass.

Signed p Order M. Jenifer Cl Lo. Ho.

And the Bill was Read and thus endorsed viz.

By the Upper House of Assembly October the 26th 1723

Read and will pass.

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Lower House by Col^o Tilghman

A Message from the Lower House by M^r Hill & M^r Beale Viz.

By the Lower House of Assembly Oct^r the 26th 1723
May it please Your Hon^{rs}

We have appointed M^r Joseph Hill and John Beale Esq^r two of the members of this House to be Joyned with some of

U. H. J. the members of your House in a Committee to Apportion the publick Levy for this present year

Signed p Order M Jenifer Cl Lo Ho.

Which Message being read the following Answer was prepared thereto viz.

By the Upper House of Assembly Oct^r the 26th 1723.
Gentlemen.

This House has appointed Col^o Sam^l Young to be Joyned with M^r Joseph Hill and John Beale Esq^r in a Committee to Apportion the Publick Levy

Signed p Order Sam^l Skippon Cl Up Ho.

Sent to the Low^r House by [M^r Tasker]

An Engrossed Bill from the Lower House by Col^o John Ward and M^r Travers, intituled An Act for the Payment and Assessment of the publick Charges of this Province for this present year 1723 and for confirming the Journal of the Levy in the year 1722 Assented to by the Lower House and thus Subscribed viz.

p. 163

October the 26th 1723

Read and Assented to by the Low^r House of Assembly and
Sign'd p order M. Jenifer Cl Lo Ho.

Which Bill being Read was Assented to by this House and Subscribed viz.

Read and Assented to by the Upper House of Assembly &
Sign'd p Order Sam^l Skippon Cl Up Ho.

Col^o John Mackal and Jn^o Beale Esq^r from the Lower House acquaint his Hon^r the Governor that their House has no more Busieness before them

Whereupon Col^o Sam^l Young is sent to the Lower House to acquaint them that his Honour requires M^r Speaker and the whole House to attend him in the Council Chamber Imediately.

Accordingly M^r Speaker and the whole House attended and saw the following Acts sealed with his Ldp's greater Seal of this Province & Assented to on Behalf of the Right Honourable the L^d Proprietary of this Province by the Honourable Charles Calvert Esq^r Governor viz.

6. An Act to prevent the Great Evils arising by the Importation of Convicts into this Province, and for the better Discovery of such when Imported. U. H. J.

7. An Act for the Relief of John Mackenzy of Talbot County

8. An Act for the Ease of the Inhabitants in Examining Evidences relating to the Bounds of Lands and in the Manner of obtaining Injunctions.

9. An Act for the Relief of George Robins of Talbot County Gentleman.

10. An Act for the relief of W^m Jarvis and W^m Griffin p. 164
Languishing Prisoners in Calvert County.

11. An Act Repealing such Part of an Act of Assembly, Intituled An Act for laying an Imposition on several Commodities exported out of this Province as Relates to the laying an Impost or duty on Furrs and Skins only, & for laying an Imposition on Pork, Pitch and Tarr in Lieu thereof

12. An Act for the Advancement of Justice

13. An Act for the Vesting and Settling an Estate of Inheritance in fee Simple of and in a certain parcell or Lot of Ground in the City of Annapolis Containing One hundred and twenty feet in Length, formerly by an Act of Assembly of this Province confirmed to Robert Johnson of Ann Arundel County, Deceased on Robert Gordon of the City of Annapolis Merchant, as also for Vesting and settling an Estate of Inheritance in Fee Simple of & in a certain Sand Bank that Intersects a Tenem^t of Land possessed by the said Robert Gordon and the Creek on the said Robert Gordon and his Heirs for ever.

14. An Act for Relief of Elizabeth Major of Prince George's County by Impowering her notwithstanding her coverture to Lease for her life the Lands herein mentioned

15. A Supplementary Act to an Act Intituled an Act declaring the Rights of three Lots Originally laid out in Annapolis for the Uses therein mentioned.

16. An Act to prevent the tumultuous Meetings and other Irregularities of Negroes and other Slaves. p. 165

17. An Act to punish Blasphemers, Swearers Drunkards & Sabbath Breakers & for repealing the Laws heretofore made for punishing such offenders.

18. An Act directing the manner of Recovery of Fines for not Appearing at the Clearing of the High Ways.

19. An Act for quieting the Possessions of the Indians Inhabiting on Nanticoke and Choptank Rivers.

U. H. J. 20. An Act for the Encouragement of Learning and erecting Schools in the several Counties within this province.

21. An Act for the Relief of A: Aⁿ County and all Persons concern'd in the Records thereof heretofore burnt

22. An Act giving Encouragement to make Hemp within this Province

23. An Act for the Relief of Tho^s Turner of Charles County Gent, Christopher Belrose, Tho^s Cobb, Jn^o Gould Tho^s Bezely and John Ferrel of Ann Arundel Co^{ty} John Beldom and John Hanly of Calvert County, Joseph Gough of Q: Anne's Co^{ty} & John Clements of Dorchester County languishing prisoners.

24. An Act for the Tryal of all matters of Fact in the several Counties where they have Arisen, or shall arise, the Continuance of Causes in the Provincial Court & Adjournment of that Court.

25. An Act Reviving and Continuing an Act Intituled an Act for Limitation of officers Fees and for supplying some Defects therein.

p. 166 26. An Act for the Payment and Assessm^t of the Public Charge of this Province for this p^sent Year 1723 & for Confirming the Journal of the Levy in the Year 1722

Then his Honour was pleased to close the Session with the following speech viz.

Gentlemen of the Upper and Lower Houses of Assembly

I am heartily Sorry this Session hath been of so Long a Continuance but hope the Laws made therein will make amends to the Good People for the Expence

Gentlemen of the Low^r House of Assembly

I Cannot conclude this Session without Observing to you, how much his Ldp will be surprized at your Endeavouring to load his Revenue with the Charge of maintaining the Council after his Ldp has so generously Sacrific'd his private Interest for the Publick Good. The most Tender Endearing Father could not do more for his own private family. As his Ldp is so good to the Publick there ought to be a grateful Acknowledgement of his Favours: His Ldps Interest and that of the Country is the very same, and as the Use of a Council of State, is inseperably to carry on the Interest of both; so whoever will Insinuate to the Contrary cannot be a Real Friend to either.

p. 167 Gentlemen of Both Houses

Nothing more Remains, but that I prorogue you, which I hereby do, with the Advice of his Ldp's Council, to the tenth

Day of March next, being the second Tuesday in the s^d month, U. H. J. before which Time (if there be not then an Absolute Necessity for your meeting) I shall summon the Council purposely to Consult of a further proper Time for the Conveniency of the Good People.

Cha: Calvert

Thus endeth the Tenth Session of Assembly held for this Province since his Lordship the Right Honourable Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltemore has been restored to his Government of this province this 26th day of October in the Eighth year of his said Lordships Dominion Annoq Domini 1723

Teste Sam^l Skippon Cl. Up. Ho.

PROCEEDINGS AND ACTS
OF THE
GENERAL ASSEMBLY
OF MARYLAND

At a Session held at Annapolis, Sept. 23-Oct. 26, 1723.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

CHARLES CALVERT,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

[The manuscript copies of the Lower House Journal for the Session of 1723 are imperfect. The original copy among the State Archives is badly mildewed and decayed, and so fragile that it cannot be handled without loss of fragments. The first eighteen pages are missing and also the leaves containing pages 67 to 86 inclusive. The duplicate copy among the Calvert Papers (775) is also defective, the first four pages being missing. There is, therefore, no record of the opening proceedings or list of members present, in either copy.

The text here printed is taken primarily from the manuscript among the Archives, with missing portions and gaps supplied as far as possible from the copy among the Calvert Papers.—Ed.]

To his Honour the Governour's Speech which was read, and Approved of, and Ordered to be Entred as follows Viz.

L. H. J.
Calvert
Papers
(775)
p. 5

To the Hon^{ble} Charles Calvert Esq^r Governour of Maryland.

The humble Address of the lower house of Assembly.

May it Please Your Honour.

Wee return Your Honour Our most hearty Thanks for so Earnestly recommending to us the Improvement of Our Staple, On which the Welfare of Our Countrey so much Depends and we Concurr with Your Honour that the repeal of the Act of Parliament which gave an Allowance for Tobacco Delivered up to be burnt Ought to Awaken Every One of us to Consider our Own Interest and that we should be the most wanting to Our selves and those we represent And Discharge the Trust reposed in Us the worst of any People should we miss Any Opportunity or fail to make use of Any Means in Our power to the Ends so hansomely recommended by Your Honour And we ought Always to Express and retain a most gratefull Sense of his Lordship the Lord Proprietor's fatherly Tenderness to this poor Province for his readiness to Sacrifice his Own Interest to the good of the Countrey in so generous a manner.

We shall prepare the Reviving Bills of those Mentioned by your Honour with the Utmost Expedition And Unfeignedly wish that Our Circumstances would Admitt of Our Adding to that part that is to be particularly Applied to your Own use And we think it a great happiness to the Countrey that a Gentleman that has Ever shewn the greatest regard to its Welfare at the head of the Administration And that we have all the reason in the World to believe will be Sure to Act the Patriot Even in a Private Station is likely to Continue Amongst us.

L. H. J. The greatness of the Levys is Certainly a Very heavy Burthen upon the People And it is Our Unquestionable Duty to Use all the means in Our power to lessen them which we will not fail to Do and hope to a good Purpose

Sign'd p Order M Jenifer Cler. lo. Ho.

Which was sent to his Honour the Governour by James Stoddart Esq^r and Eleven Other members. They return & say they Delivered it.

M^r Speaker Communicates to this House that his Honour the Governour is pleased to return the following Answer to the Address of the House of this Day Viz.

Gentlemen.

I return you my Unfeigned thanks for your most Affectionate Address & will fail no Opportunity of Promoting the Countreys Welfare on all Occasions.

Cha: Calvert

Ordered that a Bill be brought in to prevent the Inconvenience of Importing Convicts into this Province, and

A Supplementary Bill to the Act for Ascertaining Allowances to Evidences bound to Attend the provincially Court in Criminall Cases, and ordered that the Committee of Laws Prepare them Accordingly.

Col^o Tilghman from the Upper house Delivers M^r Speaker the following Message.

By the Upper house of Assembly

Sept^r 24th 1723

Gent.

This house Agrees to the hours of Sitting for Dispatch of publick Business proposed by your Message to Day by M^r Beale and M^r Bozman.

Signed p Order Samuel Skippon Cl. Up. Ho.

A Bill for reviving an Act Entituled an Act for raising a Duty of three pence p Hogshead on All Tobacco Exported Out of this Province for the uses therein mentioned.

A Bill for reviving the Act for Ascertaining the Gauge and Tare of Tobacco hogsheads &c.

A Bill for reviving an Act for regulating of Ordinaries.

All which Bills were Severally read the first and second Times by Especial Order and Past, which were so Endorst

and Sent to the Upper house by M^r Stoddart and three Other L. H. J. Members. They return and say they Delivered them.

On the Motion being Made

The Question was put whether that part of the Act for killing of Wolves Crows and Squirrells that gives Allowance for killing Crows and Squirrells shall be repealed or not?

It was Carried in the Affirmative. And Ordered that the Committee of Laws prepare a Bill Accordingly to take Place the Tenth Day of October next.

Ordered that the Clerk of this House Acquaint the Reverend M^r Samuel Skippon that this House Desires him to read Prayers at Eight of the Clock in the Morning during this Sessions.

The house Adjourns till to Morrow Morning Nine o'Clock.

Wednesday Sept^r 25th 1723

The House meets according to Adjournment

Yesterday's proceedings are Read.

John Rousby and Benjamin Tasker Esq^{rs} from the Upper p. 7 house Delivers M^r Speaker the following Bills Viz:

A Bill reviving an Act for raising the Duty of three pence p Hogshead to the uses therein mentioned,

A Bill reviving the Act Ascertainning the Gauge and Tare of Tobacco Hogsheads &c. and

The reviving Bill to the Act for Regulating Ordinarys Severally thus Endorst.

By the Upper House of Assembly.

Septem^r 24th 1723

Read and Will Pass

Signed p order Sam^l Skippon Cl. Up. Ho:

Thereupon they past for Engrossing.

A Bill to prevent the great Evils Arising by the Importation of Convicts into this Province and the better Discovery of them when Imported was read the first and second Times by Especial Order. And thereupon the Question was put, whether the Bill shall pass as it is or be Amended? Carried by the Majority of Votes that it be Amended. Thereupon the same is Comitted for Amendment.

Col^o Holland from the Upper House Delivers M^r Speaker the Duplicate of the Answer of the Right Hon^{ble} the Lord

L. H. J. Prop^y to the Addresses of both houses in the year 1721 with the following Message Viz.

By the Upper House of Assembly

September the 25th 1723

Gentlemen.

The Inclosed is a Duplicate of his Lordship the Lord Proprietary's Answer to the Addresses of both houses in the year 1721 (The Originall of which miscarried as his Honour has Informed us) and Communicated to us by his honour in Order to be Transmitted to your House

Signed p Order Sam: Skippon Cler. Up. Ho.

Which Address is as follows Viz.

Gentlemen of the Upper and lower Houses of Assembly.

C: Baltemore

I thank you for your Affectionate and Dutifull Addresses Severally transmitted to me, And Cannot but take pleasure in the happy Effects you Expect from my Government Directed by the Resolutions I have Taken to make the publick Good the Rule of it.

The Subject matter of the Act for limitation of Officers fees has with Various Opinions taken up much Time and
p. 8 Consideration, and least some might think me partial to my self because the naming the persons Employed in the Severall Offices of Government is in me, I have been Sensibly touched about it, And the more so since the late Reasons offered to Induce me not to Dissent thereto Unhappily Differ so widely from my Own.

I think the Continual Affluence of People will Multiply Business Care and hands as well as Enumerate Officers fees And by your Way of reasoning Gentlemen of the lower House, You may as well from time to time Lessen what they now Enjoy, as you have what they formerly Did. Nor am I fully Convinced should the fluctuating Condition of Our Staple so Improve (which God grant it May) as To Double their profits to what the low State of it has now rendred them, they would have more than an Ample Compensation for their Labours Altho' Constantly residing amongst you. But, as it is, and as I Conceive very Justly thought necessary, that some Certain officers of the State should be Supported about the person of your proprietary in great Brittain in Such Manner as to be Able plentifully Out of the profits of their office to gratifie such Deputy or Deputies as the Business necessary

to be transacted in the province requires so I Cannot beleive *L. H. J.* the Limitation of them from what they have been will prove in the End Any great Advantage to the Publick.

Possibly the fees Allowed in Virginia may not be so much in Tobacco as those Allowed by us, yet if I am not misinformed the Different value of their Tobacco from ours makes an Ample Amends; However since you Gentlemen the Delegates of the People so Earnestly Desire I would not Dissent to the said Act, I have not, trusting that you your Selves will One Day see Cause to revive and Alter it.

Gentlemen of the lower House.

I Cannot Omit thanking you in particular for your most Obliging Letter under the hand of Robert Ungle Esq^r Your very worthy Speaker, And am pleased with the occasion you thereby give me in this Publick Manner of Declaring how Acceptable Any thing is to me which you Apprehend may prove Advantageous to the Staple of Our Countrey.

The great Quantity of Bad Tobacco lately given up to be burnt, whereby his Majesty has been so Considerable a Loser in his Customs Caus'd much Inquiry and Speculation. Untill the Sight of your late Act for preventing the Makeing Trashy Tobacco And for the bettering the Staple of this Province gave hopes that the like would not happen for the future which has Convinced me how much it is for your Advantage that I should be Assisted with men of knowledge and Interest in your Affairs in Order Either to preserve those priviledges you now Enjoy, or in Obtaining Others as Occasion may offer

Gentlemen of the Upper and Lower Houses of Assembly. p. 9

It is with great Satisfaction I Observe from your Journalls, that the Condition of the Militia has Employed your thoughts and I am in hopes the next Sessions will produce such a Regulation therein that (together with the Charge you are Constantly at for Arms and Ammunition) you may not Appear Negligent whilst your neighbours are Takeing so much Care of their preservation, and I am Confident you will find my Lieutenant as Expert in forming Your Forces as you Acknowledge he has been wise and Prudent in the Due Execution of the Civill powers Comitted to his Charge.

Duplicate.

Col^o Young from the Upper house Delivers M^r Speaker his Lordship's Dissent to the Act for Limitation of Actions of Trespass and Ejectment with a Copy of his Lordship's Instruction giving reasons for his Dissent thereto; wth the

L. H. J. following Message which were read and ordered to be Entred as follows Viz.

By the Upper house of Assembly

Septem^r 25th 1723

Gentlemen.

We herewith send you his Lordship's Dissent to the Act Entituled An Act for Limitation of Actions of Trespass and Ejectment together wth a Copy of his Lordship's Instruction to his Honour the Governour giving the reasons of his Dissent

Signed p Order Sam^l Skippon Cl. Up. Ho.

C. Baltimore

Charles Absolute Lord and Proprietor of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c To Our right Trusty and welbeloved Charles Calvert Esq^r Our Lieutenant Governour of Our said Province of Maryland and to Our right Trusty and welbeloved the Upper and lower houses of Our Generall Assembly there And to all Others in Our said province of Maryland for the time being Greeting: Whereas at a Sessions of Assembly begun and held at Annapolis in Our said Province of Maryland the ninth Day of October and Ending the third Day of November in the Seventh Year of Our Dominion Over the said Province Annoq Dni. 1722 An Act Entituled An Act for Limitation of Actions of Trespass and Ejectment passed into a Law,

On Due Consideration thereof, we have thought fit to Dissent to the said Act and Do hereby Declare the said Act Null Void and of no Effect

Given under Our hand and Seal at Arms at London this Ninteenth Day of March in the Eighth Year of Our Dominion Over the said Province Annoq Dni 1722.

Copy of his Lordship's first Instruction to the Hon^{ble} Charles Calvert Esq^r his Lordships Lieutenant Governour &c of the province of Maryland viz.

p. 10

You will herewith receive my Dissent to An Act of Assembly Entituled an Act for Limitation of Actions of Trespass and Ejectment, to be publisht and Entred on record According to your Forms which Act is not Only Explanatory of an English Statute not in force in Our Province but seems by Implication to Introduce English Statutes to Operate there which Statutes have been always held not to Extend

to the Plantations unless by Express words located thither, L. H. J.
And you are upon all Occasions so to Conduct your Self on
my behalf as not Only not to Admitt Any such practice to take
place in Maryland but Even to Discountenance Any Doubts
Concerning the Same And when Any of the English Statute
Laws are found Convenient and well Adapted to Your Cir-
cumstances, You Ought specially to Enact them de Novo or
such part of them as you find proper for you, And not by an
Act of the Province Introduce (in a Lump as it were) Any
of the English Statutes. And these Sentiments you may Instill
and Make known as you see Cause

This Instruction bears Date at London March the 19th 1722.

The Petition of Elizabeth Major praying Leave to bring in
a Bill to Enable her to make a lease of three hundred Acres
of Land her Dower of James Brooke's land notwithstanding
her Coverture was read and leave given to bring in a Bill
as prayed.

Col^o Addison from the Upper house Delivers M^r Speaker
the Pet^o of John Mackenzy thus Endorst Viz.

By the Upper house of Assembly

Sept^r 25th 1723

Gent.

The wthin Pet^o has been read and is referred to the Con-
sideration of the lower house of Assembly

Sign'd p Order. Samuel Skippon Cl. Up. Ho.

Which was read and leave given to bring in a Bill as prayed.

Col^o Tilghman from the Upper House Delivers M^r Speaker
the Petition of Thomas Dent thus Endorst Viz.

By the Upper House of Assembly

Sept^r 25th 1723.

Gent.

This petition with the Inclosed Consent of severall of the
Pet^{rs} Creditors has been read and is recommended to the Con-
sideration of the lower house of Assembly.

Signed p order Sam^l Skippon Cl. Up. Ho.

Which was read and Ordered that the other Creditors have
Notice thereof that if they think fitt they may Appear and
Make their Objections thereto by Tuesday next.

L. H. J. A Bill for reviving the Act for relieving the Inhabitants
P. II of this Province from some Aggrievances in the Prosecution
of Suits at Law was read the first and second Times by Es-
pecial Order and Past which was so Endorst. And

A Bill to Prevent the Evils Ariseing by the Convicts already
Imported was read with the Amendments and past. Both
which Bills were sent to the Upper house by M^r Smith and M^r
Pritchett.

They return and say they Delivered them.

Col^o Mackall from the Committee of Elections and Priv-
iledges returns the following report.

By the Committee of Elections and Priviledges

September the 25th 1723

On Inspection into the Indenture of M^r Thomas Bozman
a Member return'd for Talbot County. we find him duly
Elected

Signed p Order Jn^o Gibson Cler. Come.

The Petition of Thomas Turner of Charles County praying
that he may be releived by a Bill to be brought in in his favour
to release him from prison was read and ordered that his
Creditors have Notice thereof that if they think fit they may
Appear by Tuesday next and make their Objections if any
thereto.

Col^r Ward from the Upper House Delivers M^r Speaker the
Bill for releiving the Inhabitants of this Province from some
Aggrievances &c thus Endorst.

By the Upper House of Assembly

Septem^r 25th 1723.

Read and will Pass

Signed p Order Sam^l Skippon Cl. Up. Ho.

Whereupon the Same Past for Engrossing.

Ordered that M^r Beale and M^r Humphreys return the
thanks of this House to the Reverend M^r Samuel Skippon for
his Sermon preached this Day.

The House Adjourns till to Morrow Morning Nine o'Clock.

Thursday Sept^r 26th 1723

The House meet according to Adjournment
Yesterdays proceedings are Read.

On a Motion being Made, the Question was put whether a L. H. J. Bill shall be brought in for the Meliorating the Staple of this Province or not?

It was Carried in the Affirmative by the Majority of Votes and

Ordered that the Committee of Laws prepare a Bill Accordingly

On reading the Bill for the Ease of the Inhabitants in p. 12 Examining Evidences relating to the bounds of Lands And in the manner of obtaining Injunctions, The Question was Put whether the Comissioners and Evidences shall have any Allowance or not?

It was Carried in the Negative.

Thereupon the Bill past as it then Stood and was so Endorst and Sent to the Upper House by M^r Warfeild and M^r Oldham.

They return and Say they Delivered it.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the Petition of Major Nicholas Sewell thus Endorst Viz.

By the Upper house of Assembly

Septem^r the 26th 1723

The within Petition has been read and there haveing been no Copy of the Survey prayed for lodged with the Clerk of this house We Recommend it to Your House if you think proper to let the Petitioner have a Copy thereof according to the Prayer of the Petition

Signed p Order. Sam^l Skippon Cl. Up. Ho:

On a Motion and Representation from the Mayor Recorder Aldermen and Comon Councill men of the City of Annapolis that Richard Young has not given Security for the Due & well keeping of the Gates of that City, and that they are Negligently kept,

Ordered that they Appear here this Afternoon to make good their Allegations.

Benj. Tasker Esq^r from the Upper house Delivers M^r Speaker the Bill to Prevent the Evills Occasioned by the Importation of Convicts thus Endorst Viz.

By the Upper House of Assembly

September 26th 1723

This Bill will pass with the following Amendments Viz.
1. And renew the same yearly as af^d 2. within twenty Days

L. H. J. after the Entry of such ship or Vessell to be Entred upon Record. 3. And some Allowance to be made to the Magistrates for taking Depositions and Recognizances

Signed p Order. Sam^l Skippon Cl: Up. Ho.

Which was read and Ordered to be Amended Accordingly

A Repealing Bill to the Act for killing Wolves Crows and Squirrells so far as relates to the Killing Crows and Squirrells was read the first and second Times by Especiall Order and Past which was so Endorst and sent to the Upper House by M^r Traverse and M^r Pritchett. They return and say they Delivered it.

p. 13 Col^o Holland from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly

September the 26th 1723

Gentlemen.

The Establishment of Free Schools in the Severall Countys of this Province upon a good foundation, being a Matter of the greatest Consequence to the Countrey, And having been for want of Time referred from the last, to this Present Sessions of Assembly We recommend the Imediate Consideration of that affair to your house and are ready to Concurr with you in such Measures as shall be thought Usefull thereto

Signed p Order. Sam^l Skippon Cl. Up. Ho.

Which being read Resolved that this House will take the same into Consideration to Morrow.

An Engrost Bill for reviving and Continuing an Act for Ascertainning the Gauge and Tare of Tobacco hogsheads &c.

An Engrost Bill reviving and Continuing An Act Entituled An Act for Regulating of Ordinarys.

An Engrost Bill for reviving an Act Intituled an Act for raising a Duty of three pence p Hogshead On all Tobacco Exported Out of this Province for the uses therein mentioned, And

An Engrost Bill reviving and Continuing an Act of Assembly Entituled an Act for releiving the Inhabitants of this Province from some Aggreivances in the Prosecution of Suits at Law, Were Severally read and Assented to by this house were so Endors't and sent to the Upper house by Col^o Mackall and M^r Bozman. They return and say they Delivered them.

Col^o Young from the Upper House Delivers M^r Speaker the L. H. J. following Message Viz.

By the Upper House of Assembly.

September the 26th 1723

Gentlemen

Towards the End of last Sessions of Assembly for want of Time Your house referred the further Consideration of the Affairs of the Indians Lands to this Present Sessions We recommend therefore that matter again to your Consideration, there haveing been fresh Complaints Ever since last Sessions that Captⁿ Rider and William Ennalls have Molested the Nanticoke Indians in their possessions, And would not Suffer them to Cultivate any Part of those Lands, to which they make Pretensions, within their Bounds

Signed p Order. Sam^l Skippon Cl. Up. Ho.

John Hall Esq^r from the Upper House Delivers M^r Speaker p. 14 the Bill for repealing the Act for killing Crows and Squirrells thus Endorst Viz.

By the Upper House of Assembly

September the 26th 1723

Read and will Pass.

Signed p Order Sam^l Skippon Cl. Up. Ho:

Whereupon it was read again and Past for Engrossing.

Col^o Tilghman from the Upper House Delivers M^r Speaker the Petition of Sundry Inhabitants in S^t Ann's Parish in Ann Arundell County praying that they may have leave to build a Gallery at the West End of the Church at Annapolis thus Endorst

By the Upper House of Assembly

Sept^r the 26th 1723

Read and Recommended to the Consideration of the lower house of Assembly

Signed p Order. Sam^l Skippon Cl. Up. Ho:

On reading whereof Leave is given to the Petitioners Viz. Alexander Frazer Vachel Denton Rob^t Gordon Thomas Worthington Joshua George and William Cumming to build a Gallery at the West End of the said Church at their Own Charge According to the Prayer of their Petition.

M^r Ralph Crabb Appears in the house.

L. H. J. Col^o Addison from the Upper house Delivers M^r Speaker the Pet^o of Tho^s Guibert thus Endorst.

By the Upper House of Assembly.

Sept^r 26th 1723.

Read and Recommended to the Consideration of the lower House of Assembly.

Signed p Order. Sam^l Skippon Cl. Up: Ho:

The Mayor Recorder Aldermen and Comon Councill Men of the City of Annapolis Appear in the house with Richard Young the Gate Keeper according to the Order of the house of this Day and On hearing the Allegations of All Parties the Petition is rejected.

Col^o Ward from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly

September the 26th 1723

Gentlemen.

The Dangerous Consequences of the Tumultuous meeting of Negroes, recommended to you last Sessions of Assembly, And referred to this Present Sessions, Appearing Every Day greater we again Earnestly recomend the same to your Consideration

Sign'd p Order Sam^l Skippon Cl. Up. Ho.

The Petition of Sundry Inhabitants of Prince George's County praying leave to bring in a Bill for Erecting a Town on the Eastern Branch of Patowmack was read And on the Petitioners makeing a Purchase of the Lands whereon to Erect a Town from the Owners thereof leave is given to bring in a Bill as Pray'd and not Otherwise.

On a Motion made That whereas Severall Ancient Regis-
p. 15 trys of Towns and Other papers relating thereto in this province are now lodged in the hands of private persons so that they Cannot regularly be Come at

Resolved that there be an Ordinance of Assembly Obliging the Severall private persons in whose hands Any of the Records of the Towns are to deliver the same to the Severall County Clerks to be there Lodged & kept as records in the Counties where the severall Towns lie, And that the County Clerk's receipt shall be a Sufficient Discharge to the Severall persons in whose hands such Papers are.

On a Motion made Resolved that a Reviving Bill be brought L. H. J.
in to the Act for Releif of Ann Arundell County

Ordered that William Jarvis and William Griffin be provided for by a Bill to be brought in for releif of Poor Debtors.

The House Adjourns till to Morrow Morning nine o' the Clock

Fryday Sept^r 27th 1723

The House meets According to Adjournment.

Yesterday's Proceedings are Read.

M^r Edward Wright Appears in the house.

The Petition of Joseph Gough a languishing Prisoner in Queen Ann's County was read and Leave given to bring in a Bill for his releif.

The Petition of Mary Emery praying that this House will be pleas'd to Recommend her Case to the Agent Concerning the Escheat of a Lot of Land lying in Hunting Town in Calvert County was read, And the same by Endorsement on the Petition is recommended to the Consideration of the Agent.

On reading the Petition of Samuel Gover Complaining of the hardships he has suffered by the Tobacco Laws with a Printed Copy of his Case thereon was read and rejected for that a Scandalous Libell is annexed thereto.

On the Application of M^r Ralph Crabb a Member of this house on the Ninth Paragraph of the Explanatory Tobacco Law desiring to be Informed whether a Single Magistrate by Vertue of that Law Can Issue Execution for the severall Penalties in that Act wth out a lawfull Conviction by a Jury in the County Court first made or on a Conviction before him Only,

Resolved that the True Intent and Meaning of that Part of the law is, And the Magistrate is thereby Sufficiently Impowered to Hear and Determine Render Judgment and Award Execution against any Offenders for any the Severall penalties Accruing by the breach that is Or shall be made Any the Paragraphs in the Severall Tobacco Laws. p. 16

The Petition of John Gould a languishing Prisoner in the Goal at Annapolis was read and Ordered that M^r Charles Carroll have notice thereof that if he thinks fitt he may Appear and Make his Objections against bringing in a Bill for his releif.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the Severall Petitions following, Viz.

L. H. J. The Petition of William Linton Sen^r a Prisoner for Debt
in Prince George's County thus Endorst.

By the Upper House of Assembly

September the 27th 1723

We are of Opinion that Your house are better Judges of
the truth of the Allegations of the wthin Petition, than we,
and therefore we refer the same to Your Consideration.

Signed p Order, Samuel Skippon Cl. Up. Ho.

Which being read it is Ordered that Doctor Patrick Hepburn and the Other Creditors have Notice to Appear here on Tuesday next if they think fit to Make their objections thereto.

The Petition of William Pain Endorst in the same Manner as Lintons was read and rejected. And

The Petition of Patrick Sympson a Purchaser from Samuel Burgess praying leave to bring in a Bill to Confirm a Deed from Edward Burgess to his Son Samuel Burgess thus Endors't Viz.

By the Upper House of Assembly Sept. 27th 1723

It is the Opinion of this House that the Father or Guardian of the Minors mentioned in the Petition have notice given them of the Purport of the Petition, which with the Petition we Recommend to the Consideration of the lower House of Assembly

Signed p Order Sam^l Skippon Cl Up Ho.

With Which this House Concurrs And Ordered that Notice be given Accordingly. And

The Petition of Sundry Inhabitants of Kent Cecill Queen Ann's and Talbot County Complaining of Sundry Evils they Suffer by severall loose Idle People in their Counties thus Endorst.

By the Upper House of Assembly

September the 27th 1723

p. 17

Gentlemen.

We Judge the within Petition to be very reasonable And therefore Recommend it to your Consideration.

Signed p Order. Sam^l Skippon Cl. Up. Ho.

Which being read It is Resolved that the Laws of England Sufficiently Provide against the Evils Complained of in that Petⁿ

Col^o Hammond Appears in the House.

L. H. J.

The Petition of George Robins of Talbot County Gent praying Leave to bring in a Bill to Confirm a Deed of Bargain of Sale of a Tract of Land Called Wallnutt Ridge lying in Queen Ann's County Containing Six hundred Acres of Land was read and Leave given to bring in a Bill to Supply the Defects in not recording and Acknowledging the Deed from Job Evans to Robert Smith Esq^r w^{ch} was so Endorst.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker The Bill for the Ease of the Inhabitants in Examining Evidences relating to the Bounds of Lands &c thus Endorst Viz.

By the Upper House of Assembly Septem^r 27th 1723.

This Bill being read will pass with the following Amendments Viz.

1. Not being Any Ways related to the Person or Persons Concerned nor Any way Interested in the Land.

2. That where Any Persons Concerned live Out of the County they have at least forty Days Notice in the Parish where they live, whether it be on that Side the Bay where the land lies or not.

3. That the Form of the Bond be Inserted in the body of the Act.

4. That the same Allowances be made to the Comissioners and Evidences as in the County Courts.

Signed p Order Samuel Skippon Cl. Up: Ho:

With which this House Concurs and thereupon the Bill is Comitted for Amendment.

The Bill to Prevent the great Evil Occasioned by the Importation of Convicts &c brought Down from the Committee of Laws Amended, Was read with the Amendments, and past for Engrossing.

Col^o Holland from the Upper House Delivers M^r Speaker the Representation of the Rector Vestry and Church Wardens of S^t Pauls Parish in Queen Ann's County thus Endorst.

p. 18

By the Upper house of Assembly

September the 27th 1723.

This Petition has been read and is recommended to the Consideration of the lower house of Assembly

Signed p Order Sam^l Skippon Cl. Up. Ho.

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L. H. J. Col^o Young from the Upper House Delivers M^r Speaker the Petition of Edward Wright of Dorchester County Praying an Allowance for being Interpreter between the English and Indians thus Endorst Viz.

By the Upper House of Assembly September the 27th 1723

Read and Recommended to the Consideration of the lower house of Assembly.

Signed p Order Sam^l Skippon Cl Up Ho

Which was read and referred to the Comittee of Acco^{ts} to make the reasonable Allowances on his proving his Account regularly.

A Bill for the Releif of John Mackenzie of Talbot County was read the first and second Times by Especial Order and past which was so Endorst & Sent to the Upper house by M^r Sherwood and M^r Bozman.

They return and say they Delivered it.

An Engrost Bill for repealing the Severall Acts of Assembly now in force in this Province that give Allowance for the killing Wolves Crows and Squirrells, so far as they relate to the killing Crows and Squirrells only, was read and Assented to And was so Endorst, And Sent to the Upper house by Col^o Ward and M^r Courts.

They return and say they Delivered it.

A Bill for the Releif of George Robins of Talbot County was read the first and second Times by Especiall Order and past which was so Endorst, And sent to the Upper house by M^r Oldham and M^r Bozman. They return and Say they Delivered it

John Hall Esq^r from the Upper house Delivers M^r Speaker the Bill for releif of John Mackenzie thus Endors't Viz:

By the Upper house of Assembly September the 27th 1723

Read & will Pass

Signed p Order Sam^l Skippon Cl. Up. Ho.

Which thereupon past for Engrossing

The House Adjourns till to Morrow Morning nine of the Clock.

Yesterdays proceedings are read.

L. H. J.

Ordered that M^r Beale go to M^r Bordley to know his reasons why he does not Attend this House as a Member thereof

On a Motion made as to the further Consideration of Michael Pipers petition last Assembly relateing to the printing the Laws and M^r Piper Appearing at the Barr and Alledgeing that the press is now at Philadelphia and that he can't print them here at present,

It is Resolved that the Chancellor Transcribe the Laws here for the Publick and Counties use this Sessions as usuall, and that the like Encouragement proposed to M^r Piper Last Sessions be given to the first person that will Erect a printing press at the City of Annapolis.

The Petition of John Hanley a Languishing prisoner in Calvert County was read and referr'd for further Consideration.

The Petition of John Beldam a Languishing prisoner in the same County was read and leave given to bring in a bill as prayd.

Col^l Addison from the Upper House Delivers M^r Speaker the Bill for relief of George Robins of Talbot County thus Endorst, viz

By the Upper House of Assembly

September the 28th 1723

Upon reading the within Bill we are of Oppinion that before the Bill pass the heirs at Law of Job Evans have notice given them that if they have any Objections against the Passing the Bill they may be heard.

Sign'd p Order Sam^l Skippon Cl Up. Ho.

Whereupon it is Ordered that the Heirs have notice Accordingly to Appear this Sessions.

A Bill for the Ease of the Inhabitants in examining Evidences relateing to the Bounds of Land &c. was brought in from the Committee of Laws and was read with the Amendments and past for Engrossing.

Thomas Bordley Esq^r M^r William Whittington and M^r Hopkins appear in the House.

The Petition of the Inhabitants of the City of Annapolis praying that a bill may be brought in to give them the Liberty of paying their Levies in Tobacco was read and rejected

Col^o Tilghman from the Upper House Delivers M^r Speaker

L. H. J. the Representation of the Justices of the Provinciaall Court
thus Endorst Viz.

By the Upper House of Assembly

Septbr the 28th 1723.

p. 20 Read and recomended to the Consideration of the Lower
House of Assembly.

Sign'd p Order Sam Skippon Cl Up. Ho.

Which being Read It is Resolved that a Bill be brought in
to try all Crimes within the Counties where they are Com-
mitted.

Col^o Ward from the Upper House Delivers M^r Speaker the
Petition of John Navarre praying a further Allowance for
Entertaining the Indians Last Sessions thus Endorst viz:

By the Upper House of Assembly.

September the 28th 1723.

Read and Referred to the Consideration of the Lower
House of Assembly.

Sign'd p Ord^r Sam. Skippon Cl. Up. Ho.

Which was read and the Question being put whether any
Allowance Shall be made or not?

It was Carried in the Affirmative.

Then the Question was put whether one Half of the Re-
mainder Shall be Allowed or the whole?

Carried by Majority of Voyces that one half onely be
Allowed.

And Ordered that the Committee of Accounts allow the
Same and make the like Allowance to M^{rs} Anne Hutton in
proportion.

Col^o Holland from the Upper House Acquaints M^r Speaker
that his Honour the Governour requires the whole House to
Attend him Immediately in the Upper House and with drew.

Whereupon M^r Speaker and the whole [house] go to the
Upper House where His Honour the Governor was pleased
to Enact the Severall Engrost Bills following being Assented
to by both Houses into Laws by sealing them Severally with
the Lord Prop^{rys} great Seal and Endorsing them Severally
as follows Viz:

September the 28th 1723.

On the behalf of the Right Hon^{ble} the Lord proprietary,
I will this be a Law.

Charles Calvert

After which his Honour was pleased to Express himself L. H. J. in the following Words Viz:

Gentlemen of the Upper and Lower Houses of Assembly

I Return you my hearty thanks for the Unanimity you have Shewn in the Dispatching of those Affairs Laid before you at the Opening of this Sessions.

I have a matter to Recomend to you which may be of Great p. 21 Service to the Province It is a trade with The Indians to Accomplish which his Lordship in his Instructions Comanded me to use my Endeavours for Entering into a Treaty with the Northern Indians and to make them an handsome present at his Lordships Own Expende in the makeing of which Treaty I was happily prevented by those Indians coming down to me and Sueing for such Terms and Stipulations of peace as will not only Secure our Frontier Inhabitants but promote the Trade for the Advantage of the People so that a Lasting Friendship is Concluded with them for our Inhabitants and we have a very fair prospect for a Commerce.

There is one Obstacle on our Side which at Present Lays us under a great disadvantage in that Trade I mean the Duty on Furs which is recommended by his Lordship to you as being of Little Advantage to the Free schools as his Lordship is Informed and it remains with you Gent to Consider Whether the takeing off that Duty and Laying an equivalent Duty upon Some thing else would not be a greater Advantage to the Province in Generall than as it now stands; I am very well Convinced our neighbours have reap'd great Advantages, by their Trade with the Indians whom (according to an Observation Lately taken By his Lordships Order to Assert his Boundaries) I find to be in the Limits of Maryland.

Cha Calvert

N^o 1. An Engrost Bill for reviveing an Act Entituled an Act for raising a Duty of three pence p^p h^h^d on all Tobacco Exported out of this province for the uses therein mentioned.

2. An Engrost Bill reviveing and Continueing the Act for Ascertaineing the Guage and Tare of Tobacco hogsheads &c.

3. An Engrost Bill reviveing and Continueing an Act for regulateing of Ordinaries.

4. An Engrost Bill reviveing and Continueing an Act of Assembly Entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law.

- L. H. J. 5. An Engrost Bill for repealing the severall Acts of Assembly now in force in the province that give Allowance for Killing wolves Crows and Squirrells so far as they relate to the Killing Crows and Squirrells only.

Afterwards M^r Speaker with the rest of the Members of this House return to their Own House where M^r Speaker Resumes the Chair and reports what his Hon^r the Gov^r had before done and said.

- p. 22 John Rousby Esq^r from the Upper House Delivers M^r Speaker the Petition of Samuells Gover thus Endorst Viz.

By the Upper House of Assembly.

September the 28th 1723

This petition with a Printed Case of the Petitioner (which we believe some members of your House may have by them) haveing been read wee recommend it to your House to Consider whether you will think it proper to relieve the petitioner or whether you will not rather think that he Ought to be punished as haveing published a Libell against the Honour of your House the Magistrate who gave Judgement and the Evidences that appeared against him.

Signd p Order Sam Skippon [Cl. Up. Ho.]

A Bill to try all Crimes within the Severall Counties where they are Committed was read the first time and [ordered] to Lye on the Table.

The House Adjourns till Monday Morning nine of the Clock.

Monday Sept. 30th 1723

The House meets According to Adjournment

Saturdays proceedings are Read.

Ordered that the Sherriff of Ann Arundell County bring John Clements to testifye for Thomas Sanders and ux. in a Matter Depending before this House.

The Petition of Christopher Bellrose a poor prisoner in Ann Arundell County goal was read and Leave given to bring in a Bill for his relief.

The Petition of John Farrall a prisoner for Debt in the Same Goale was read and Ordered that M^r Charles Cole have notice thereof.

Ordered that James Stoddert John Beale & Daniel Dulany Esq^{rs} be a Committee to Enquire and Examine into the Ancient Records of this Province and make their Report to

this House how far the Statutes of England have been deemed L. H. J. to Extend here and that the said Comittee have a power to send for persons papers and Records, and are Sent out Accordingly.

The Representation of the Rector Vestry and Church wardens of St. Pauls Parrish in Queen Anns County was read. Leave given to bring in a bill as pray'd

On reading the Petition of Thomas Sanders and Rebecca his wife referr'd from Last Sessions and on hearing Allegations of all parties by their Councill Leave is given to Bring p. 23 in a Bill as pray'd.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the petition of Rachell Freeborn thus Endorst viz:

By the Upper House of Assembly

September the 30th 1723.

Read and referr'd to the Consideration of the Lower House of Assembly.

Sign'd p Order Sam Skippon Cl Up Ho.

Which being Read it is Ordered that all parties Concerned have notice thereof that if they think fit they may Appear and make their Objections thereto.

A Bill for bettering the Staple of Tobacco was read the first time and ordered to Lye on the Table.

The Petition of Andrew Bradford printer praying an Allowance for printing the great Body of Laws which he was Employd to do by Evan Jones Gent decēd was read and rejected for that this House never Employed the petitioner or Ordered any other person to Employ him.

The House Adjourns till to Morrow Morning nine of the Clock.

Tuesday Octob^r the 1st

The House meets According to Adjournment.

Yesterdays proceedings are read.

Capt. William Young Appears in the House.

The Petition of Thomas Bezely a prisoner for Debt in the Goale of Annapolis was read and Ordered that his Creditors have notice thereof.

On reading the Petition of Thomas Turner Leave is given to bring in a Bill for his relief.

A Bill for bettering the Staple of Tobacco and for Encouraging the making flax and hemp was read the Second Time

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L. H. J. and the Question being put whether the bill shall be Amended or rejected,

It was carried by the Majority of Voices that it be rejected.
Thereupon the same is rejected.

The Bill to try all Crimes in the Counties where they are Comitted was read and Committed for Amendment.

On reading the Petition of Thomas Guibert, the Question was put whether the same shall be heard or rejected

Carried by the Majority of Voyces that it be heard

Col^o Young from the Upper House delivers M^r Speaker the petition of the Reverend M^r Sam^l Skippon thus Endorst, Viz.

By the Upper House of Assembly

October the 1st 1723

p. 24 Read and recommended to the Consideration of the Lower House of Assembly.

Sign'd p order Sam Skippon Cl Up. Ho.

John Hall Esq^r from the Upper House Delivers M^r Speaker the Severall petitions with the following Message Viz:

By the Upper House of Assembly

Octob^r the first 1723.

Gent.

Upon reading the petitions herewith sent and to prevent Applications of the Like nature for the future wee are of opinion th^t it would be very proper to prepare a Short Bill granting to such persons as shall think themselves injured, a Liberty to Appeale from Judgement of a Single Magistrate to the County Court.

Sign'd p Order, Sam Skippon Cl. Up. ho.

The Petitions Delivered are the Petitions of James Carroll Charles Diggs [and William Diggs] complaining of the Hardships they have Suffered by the Tobacco Law severally thus Endorst viz.

By the Upper House of Assembly

Octob^r the 1st 1723.

Read and referred to the Consideration of the Lower House of Assembly

Sign'd p Order Sam Skippon Cl Up. Ho.

John Hall Esq^r from the Upper House Delivers M^r Speaker L. H. J. the Petition of the said John Hall Esq^r and Phillis Temple thus Endorst viz.

By the Upper House of Assembly

Octob^r the 1st 1723.

Read and Recomend^d to the Consideration of the Lower House of Assembly.

Sign'd p Order Sam Skippon Cl. Up. Ho.

On reading the Petition of Thomas Guibert referred from last Sessions and on hearing the Allegations of all parties by their Councill, The Question was put whether the Land Com^{rs} had any Authority to Asscertain any Other bounds than those of Orriginall Surveys or not?

It was Carried in the negative And Thereupon this House Concurr^s with the Upper House in their Oppinion that the Comissioners had no power to Asscertain the Bounds of the Lands as therein mentioned and as to the Injurys Complained of It is the Oppinion of the House that the Petition^r has his remedy at Law.

An Engrost Bill to prevent the great Evills Occasioned by the Convicts Allready Imported into this Province and for the better discovery of them for the future,

An Engrost Bill for the relief of John Mackenzie were Severally read and Assented to and were so Endorst and Sent p. 25 to the Upper House by Col^o Mackall and Capt. Harrison.

They return and Say they Delivered them.

The Petition of Robert Gordon was read and leave given to bring in a bill as prayd on his Obtaining M^r Bordleys one of the proprietors Consent.

A Bill for relief of Elizabeth Major was read the first and second times by Especiall Order and past which was so Endorst and Sent to the Upper house by M^r Tyler and M^r Gant.

They Return and Say they delivered it.

The House Adjourns till to Morrow Morning nine of the Clock.

Wednesday October the 2^d 1723

The House Meets According to Adjournm^t Yesterdays proceedings are read.

On a Motion made the Question was put whether any Tobacco Bill shall be brought in this Session or not?

Carried in the Negative.

L. H. J. A Bill for the Relief of George Robins of Talbott County Gent was read again and for that it Appears that the Heirs of Job Evans have had notice thereof who Answer that they know nothing thereof as Appears by the Affidavit of John Taylor, the Bill is read Again and Endorst Accordingly and sent to the Upper House by M^r Sherwood and M^r Oldham.

They Return and Say they Delivered it.

Col^o Addison from the Upper House delivers M^r Speaker the Bill for relief of Elizabeth Major thus Endorst Viz.

By the Upper House of Assembly

October the 2^d 1723.

Read and will pass.

Sign'd p Order Sam Skippon Cl. Up. Ho.

Thereupon the Same past for Engrossing.

On reading the Petition of Patrick Sympson and on hearing the Allegations of all parties concern'd by their Councill and Severall Evidences produced on both Sides the Question was put whether a Bill shall be brought in for his relief or not?

It passed in the negative Thereupon the petition is rejected.

M^r Bozman and M^r Sol. Wright added to the Committee of Elections and priviledges.

p. 26 An Engrost Bill for the Ease of the Inhabitants in Examining Evidences relateing to the bounds of Lands and in the Manner of obtaining Injunctions was read and Assented to and was so Endorst and sent to the Upper House by M^r Waughop and M^r Jordan.

They Return and Say they Delivered it.

On a Motion made by the Committee of Accounts,

Resolved that no Allowance be made to Any of the members of his Lordships Hon^{ble} Councill for their Attendance out of Assembly times Except at Such times as they or any of them shall sit and Attend in the high Court of Appeals.

Col^o Tilghman from the Upper House Delivers M^r Speaker the petition of John Medcalf a Prisoner in Prince Georges County thus Endorst viz.

By the Upper House of Assembly.

October the 2^d 1723.

We think it would be proper to give timely notice to the Creditors of the within named John Medcalf of the Intent

of His petition which with the Petition, We recommend to the Consideration of the Lower House of Assembly. L. H. J.

Sign'd p Order. Sam Skippon Cl. Up. Ho.

The Petition of Thomas Dent Gent and the Petition of William Linton referr'd to this Day were read on hearing the Allegations of the Creditors.

The Same are rejected.

The House Adjourns till to morrow Morning nine of the Clock.

Thursday Octob^r the 3^d 1723

The House meets According to Adjournment

Yesterdays proceedings are read.

The Petition of Samuell Gover being read the Question was put whether the petition shall be rece'd or rejected It was Carried by the Majority of Voyces that it be rece'd.

The Petitions of William Diggs and Charles Diggs of Prince Georges County and of James Carroll of Ann Arundell County were Severally read and to prevent Applications of the Like nature for the future It is Resolved that a Bill be brought in to relieve all Persons that have or shall hereafter conceive themselves to be Aggrieved by the Judgement of a Single Justice by Appealing to the County Courts whose Judgements shall be finall.

Philemon Lloyd Esq from the Upper House delivers M^r Speaker the Bill for relief of George Robins thus Endorst viz.

By the Upper House of Assembly, October the 3^d 1723. p. 27

Read and will pass.

Sign'd p Order. Sam Skippon Cl. Up Ho.

Whereupon it passt for Engrossing.

Col^o Mackall from the Committee of Elections and priviledges,

Return the following Report viz.

By the Committee of Elections and priviledges

Octob^r the 3^d 1723.

On reading the Petition of some of the Inhabitants of Dorchester County against Charles Ungle Late Sherrieff of the

L. H. J. said County and hearing the Allegations of both parties your Committee is of oppinion that the said Sherriff Complyd with the Duty of his Office.

Signd p Order John Gibson Cl Committee

Which being read this House Concurrss with the Report of that Comēee.

A Bill to try all Crimes in the Severall Counties where they are Committed was read the second time and past, which was so Endorst and sent to the Upper house by M^r Stoddert and M^r Sherrwood.

They Return and Say they Delivered it.

On reading and Considering the Governours Speech of Saturday Last, The Question was put whether a Bill should be brought in to Lay an Imposition on Pork Pitch and Tarr hereafter to be Imported as an equivalent for taking off the Duty on furrss or not? It passed in the Affirmative.

Then the Question was put what Imposition shall be Laid. Resolved that one Shilling p Barrell on pork one Shill p Barrell on pitch and Six pence p Barrell on Tarr be Laid as an Imposition on all pork pitch and Tarr that hereafter shall be Imported into the province and

Resolved that that part of the Act that Lays a Duty on furrss Exported be repealed And Ordered that the Committee of Laws prepare a Bill Accordingly and return an Answer to his Honour the Governours Speech.

Col^l Ward from the Upper House Delivers M^r Speaker the Petition of Thomas Reynolds thus Endorst viz.

By the Upper House of Assembly

Octob^r the 3rd 1723.

Read and Recomendēd to the Consideration of the Lower House for their Charity.

Sign'd p Order Sam Skippon Cl Up Ho.

p. 28 On a Motion made Resolved that an Address of thanks be returned to his Lordship for his Kindness to this province.

The House Adjourns till to morrow Morning nine of the Clock.

Friday October 4th

The House meets According to Adjournm^t
Yesterdays proceedings are read.

On a Motion made the Question was put whether Richard L. H. J. Young shall be removed from all his Publick offices or not?

It passed in the negative.

But severall members of this House Complaining that they have Lost their Horses by the negligence of Richard Young the present gate Keeper,

The Question was put whether the said Richard Young shall be Continued gate Keeper or not?

It was Carried in the negative by the Majority of Votes.

An Engrost Bill for the relief of George Robins of Talbott County was read and Assented to and was so Endorst and Sent to the Upper House by M^r Bozman and M^r Sherwood.

They Return and Say they Delivered it.

James Bowles Esq^r from the Upper House delivers M^r Speaker the Petition of Samuell Skippon Clerk praying that the publick will order some Care to be taken About the provincial Library thus Endorst viz.

By the Upper House of Assembly.

Octob^r 4th 1723.

Read and recomended to the Consideration of the Lower House of Assembly.

Sign'd p Order . Sam Skippon Cl Up. ho.

Col^o Ward and John Rousby Esq^r from the Upper House Deliver M^r Speaker the Bill for the Advancement of Justice thus Endorst Viz:

By the Upper House of Assembly Octob^r 4th 1723

This Bill will pass with the following Amendments Viz.
1st that instead of these words (Determinable in Chancery the Justices may) the following words be Incerted viz: of sufficient Value to remove the same into Chancery the Justices of the County Court where such Action shall be brought may and shall (at the prayer of either plaintiff or Defendant either before or After Judgement or Verdict of a Jury at Common Law) 2 That a Clause be Added to Ascertain the Attorneys fee in Equity in the County Court to one hundred pounds of Tobacco. p. 29

Sign'd p Order. Sam Skippon Cl Up Ho.

Bill Empowering Trustees to Sell the Lands therein mentioned Late the Lands of Thomas Clements for the uses

L. H. J. therein mentioned was read the first time and ordered a second reading to morrow.

M^r Tyler from the Committee of Aggrievances returns the following report Viz:

By the Committee of Aggrievances.

October the 4th 1723.

It is Offered to this Committee as an Aggrievance that there is no Act of Assembly as yet made to Confirm Lands that are past from one to Another by Letter of Attorney nor to Empower any Attorney in fact to Sign Seale and Deliver any such Deeds for the Conveying of Lands from one to another.

It is also referred to this Committee as an Aggrievance that as yet there is no Act of Assembly made to Confine people to Keep up their Sheep within their Inclosures from May to September yearly whereby to prevent their Eating and Destroying peoples Tobacco.

It is also Offered to this Committee as an Aggrievance that Labourers on the Highways and some other persons Subject to small fines by Acts of Assembly heretofore made as to the breach of the Sabbath and the Like Crimes that they cannot be heard and Determined by a provincially or County Justice upon a Complaint to him made by the Overseer of the Highway or Any other Informer without being put to Excessive Charge by being prosecuted in the Several County Courts all which is referd to the House for their Consideration.

Signd p Order. Nin: Mariartee Cl Come.

The House Adjourns till to Morrow Morning, nine of the Clock.

Saturday Octob^r 5th

The House meets according to Adjournment
Yesterdays proceedings are read.

p. 30 The Bill Empowering Trustees to Sell the Lands therein mencōned Late the Lands of Thomas Clements was read the second time and past which was so Endorst and sent to the Upper House by M^r Bozman and M^r Oldham.

They return and say they Delivered it.

On reading the Message of the Twenty Sixth of September Last relateing to the Indians and on hearing Capt. Rider in relation thereto,

The Question was put whether the Indians have deserted their Lands or not?

It passed in the Negative.

L. H. J.

And thereupon Resolved that a Bill be brought in relateing to the said Indians pursuant to the Message from the Upper House last Sessions giving Leave to the proprietors of any Lands within the Indians Bounds who have recēd no Satisfaction for their Lands and whose grants are prior to the Indians to purchase from the Indians on as reasonable Terms as they can and that the Agreement for the purchase be made before some Magistrate of the County not being of Kin to the party purchaseing.

On reading the petition of Samuell Skippon praying that he may have Leave to bring in a Bill to Enable him to Lease the three Lotts in Annapolis belonging to the Vestry of Saint Anns parrish Leave is given to bring in a Bill for the Leasing them for any term not Exceeding Twenty one Years under this Restriction that in Case the Succeeding Incumbent is Desirous to Settle on the said Lotts on paying the Lessee for his Improvements thereon the Lease shall be Void.

On reading the Petition of Samuell Skippon Clerk praying that some Care be taken by the Publick About the Provinciall Library, Resolved that there be Cases fixt to the Wainscotting in the Conference Chamber with Strong Shelves to Keep the Books from racking with Sliding doors Sasht And thereupon the following Message by Endorsement on the said petition is made, Viz

By the Lower House of Assembly

October the 5th 1723.

May it please Your Honours

On reading the within Petition this House are willing that some Care be taken for the preserving the Provinciall Library and for that End propose that there be Case's fixt to the wainscotting in the Conference Chamber with strong shelves and partitions therein to prevent the Books from Racking both to be at Convenient distances with Sliding doors Sash't and Desire to know if your Honours will be pleased to Concurr with us in our proposalls that some Speedy Care may be taken therein and that if your Honours see fit one of the members of your House may be Joyned with some of the Members of this House to Agree with proper workmen to proceed thereon Immediately.

Sign'd p Order M Jenifer Cl Lo Ho.

Which petition with the Endorsment was sent to the Upper House by M^r Harrison and M^r King

L. H. J. They return and say they Delivered it.
The following Message is prepared viz.

By the Lower House of Assembly October the 5th 1723.
May it please your Honours.

Severall Members of this House Complaining that they have lost their Horses through the negligence of Richard Young the Gate Keeper this House is Desirous that the said Young should be removed from that Office and that Your Honours will be pleas'd to Joyn with us in removeing the said Young and Appointing Some other proper person in his Stead.

Sign'd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r Courts and M^r Tolley. They return and say they Delivered it.

The Petition of John Hall Esq^r is read and rejected.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Petition of Samuell Skippon thus Endorst viz:

By the Upper House of Assembly. Octob^r the 5th 1723.
Gent.

Wee Agree with your House in your proposalls in your Message of this day by Cap^t Harrison and M^r King and Col^o Thomas Addison a member of this House is Appointed to be Joyned with some of the Members of your House to agree with proper workmen to proceed on the work proposed Immediately who is now ready to proceed thereon in Conjunction with them.

Signd p Order Sam Skippon Cl. Up. Ho.

p. 32 Thereupon Col^o John Ward Cap^t Justinian Jordan and Cap^t Henry Hooper are Appointed to Joyn with the said Colo: Addison.

On a Motion made from the Committee of Accounts relating to the Allowances to be made to the Councillors out of Assembly time and on reading a Letter from the Members of the Councill to that Committee relateing thereto, This House are not willing to recede from their former Resolutions on that Occasion made.

On a motion made the Question was put whether there shall be a new standing Court Erected on each Side of the Bay for the Tryall of Criminalls or not?

It passed in the negative.

L. H. J.

The House Adjourns till Monday morning nine of the Clock.

Monday Octob^r 7th

The House Meets According to Adjournm^t

Saturdays proceedings are read.

On Debateing the Affairs of the Indians Lands the following Message is prepared Viz:

By the Lower House of Assembly

Octob^r the 7th 1723.

May it please Your Honours

This House having resolved to proceed on the Affairs of the Indians Lands and to bring in a bill pursuant to your Honours Message last Assembly relateing thereto, giveing Leave to the proprietors of any lands within the Indians bounds whose grants are prior to the Indians and who have really received no Consideration therefore to purchase from the Indians on the easiest Terms they Can and that the Agreements for the purchase be made before some Magistrate of the County where the Land is, not being of Kin to the party purchaseing Desire that your Honours will be pleased to Appoint some of the members of your House to Joyn with Col. John Mackall M^r Robert Tyler M^r Tho^s Gant and M^r Robert King of our House in a Conference on the Subject matter of the Bill to be prepared.

Signed p Order M. Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by the Gent Appointed. They return and Say they Delivered it.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the following Message Viz:

By the Upper house of Assembly

Octob^r 5th 1723.

Gent.

p. 33

Wee are ready to Joyn with you in any proposalls you shall think for the good of the Country; but for as much as wee are at present Ignorant of the reasons which induce your House to remove Richard Young from the Office of Gate Keeper, we are desirous first to hear and be Satisfyed in what has been Alledged against him before wee Joyn with your House In Your proposals

Sign'd p Order Sam Skippon Cl Up ho.

L. H. J. In Answer whereto the following Message is prepared
Viz.

By the Lower House of Assembly. Octob^r 7th 1723

May it Please your Hon^{rs}.

Your Honours may remember that near the Close of the Last Session we agreed to the Continuance of Richard Young meerly in regard to your Honours recommendation after a Repeated Resolution of our house to remove him upon Condition that he should behave himself well and give good Security for so doing neither of which has been Complied with by him but on the Contrary Divers Complaints have been made Against him as well by Severall of the members of our own house for the Loss of their Horses as by the Inhabitants of Annapolis for divers Abuses Committed by him to the great prejudice of the Corporation all which have been made Appear Which Wee Conceive to be Sufficient reasons for his Amotion.

Signd p Order M Jenifer Cl Lower Ho.

Which Message was sent to the Upper house by M^r Wright & M^r Courts. They Return and say they Delivered it.

The following Message is prepared viz:

By the Lower House of Assembly

Octob^r the 7th 1723.

May it Please Your Honours

Whereas Severall Ancient papers Records and Registries of Towns in this province are now Lodged in the hands of private persons so that they Cannot regularly be come at this House desires that your Honours will be pleased to Joyn with us in an Ordinance Obligeing the Severall persons in whose hands any of the town Records or other papers relateing to the towns are to Deliver the same to the severall County Clerks to be Lodged and Kept as Records in the Counties where the Severall towns Lie and that the receipts of the County Clerks shall be sufficient to discharge the said persons in whose hands such Records [or] other papers shall be

Signd p Order M. Jenifer Cl Low. House.

p. 34 Which was Sent to the Upper House by M^r Oldham and M^r Bozman

They Return and say they Delivered it.

On Reading the Report of the Committee of Aggrievances as to small fines ordered that the Committee of Laws pre-

pare a Bill Accordingly, and a Bill Directing what penall L. H. J. Laws shall be read by the Clergy.

Col^o Addison and Philemon Lloyd Esq^r from the Upper House Deliver M^r Speaker the following message Viz:

By the Upper House of Assembly

Octob^r the 7th 1723.

Gent.

Pursuant to our Message of the 25th of October 1722 and your Message this day by Col^o Mackall and three more this House Does Appoint Col. Thomas Addison and Philemon Lloyd Esq^r two of our Members to be joyned in a Conference with Col^o John Mackall M^r Robert Tyler M^r Thomas Gant and M^r Robert King members of your House on the Subject matter of the bill to be prepared relateing to the Affair of the Indians Lands and they are ready to meet the members of your House at M^r Bowes' Immediately.

Signd p order. Sam Skippon Cl Up Ho.

An Answer to the Governours Speech on Saturday the Twenty Eighth Day of September Last being prepared by the Committee of Laws was read and Approved of and ordered to be Entered as follows Viz:

To the Honourable Charles Calvert Esq^r Governour of Maryland.

The Humble Address of the Lower House of Assembly.

May it Please your Honour.

We are Glad the unanimity we have Shewn in the Dispatch of those Affairs that at the opening of this Sessions your Honour has been pleased to Lay before us met your Approbation.

His Lordships directions to Make an handsome present at his own Expence to the Northern Indians to facilitate a Treaty with them Advantagious to this province as it is a great Argument that his Lordship makes the good & Interest of its Inhabitants his Care So it Lays us under the greatest obligations to Acknowledge as wee doe in the most gratefull manner his Lordships Goodness and Generosity and return your Honour our most Humble thanks for the Stipulations you have been pleased to make for the Security of our Frontiers and your Endeavours to Establish a beneficial Trade with the said Indians.

We Concurr with your Honour that the Duty on furr has been a Great Obstacle to such a Trade and of Little Ad-

L. H. J. vantage to the Free schooll and therefore shall prepare a Bill
p. 35 for its removall and to Lay an Equivalent on Some thing
Else which we hope will be a means to secure the Benefit of
the Trade with the Indians Especially those within his Ldps
Limitts to the people of Maryland.

Signd p Order M. Jenifer Cl Lo Ho.

Which was sent to his Honour the Governour by M^r Stodert and nine others.

They return and say they Deliverēd it.

A Bill laying an Imposition on Pork pitch and Tarr was read the first and second Times by Especiall Order and past which was so Endorst and Sent to the Upper House by M^r Dent and Cap^t Hudson.

They return and Say they delivered it.

Col^o Young from the Upper House Delivers M^r Speaker the following Message Viz.

By the Upper House of Assembly Octob^r 7th 1723
Gent.

In all Cases which require our Consent it is necessary that wee should be fully Acquainted with Every thing relateing thereto Especially when the matters brought before us are of Importance; But the Removall of Richard Young from the Office of Gate Keeper being of small moment to the province and the Examination into Every thing that may be Alledged ag^t him being Likely to take up a great deall of time wee Consent to his removall not doubting but that your House has taken the Care necessary in that particular.

Signd p Order Sam: Skippon Cl. Upp. Ho.

Thereupon the said Richard Young is removed and this House look upon Thomas Jobson as a proper person to be Gate Keeper.

Col^o Tilghman from the Upper House Delivers M^r Speaker the Petition of Thomas Howell relateing to the Indians Lands thus Endorst viz:

By the Upper House of Assembly Octob^r 7th 1723.

Read and Recomendēd to the Consideration of the Lower House of Assembly.

Signd p Order Sam Skippon Cl. Up. Ho.

Which being read it is the oppinion of this House that the same be Laid before the Gent Appointed on the Confer-

ence on the Indians Lands which was Endorst Accordingly L. H. J. and Sent to the Upper House by Cap^t Hooper and M^r Bozman.

They Return and say they Delivered it.

The House Adjourns till to morrow morning nine of the Clock.

Tuesday Octob^r the 8th

The House meets According to Adjournment

Yesterdays proceedings are read.

Thomas Jobson being Approved of as a Gate Keeper in the Room of Richard Young appears before the House and is willing to under take the same. And thereupon a mocōn being made whether the said Thomas Jobson shall Enjoy the other p. 36 Offices with their perquisites formerly granted to the said Richard Young after this Sessions or not?

It is Resolved that the said Thomas Jobson be Gate Keeper and Enjoy all other profits Appendant to that Office formerly Enjoy'd by the said Richard Young and granted to him by this House After this Sessions and that he get the Houses Gates and Fences repaired as soon as possible and that after such Reparations are made that he give good security for the due Executeing the office of Gate Keeper According to the Resolutions last Assembly.

A Bill for the Relief of such persons as have or shall suffer by the misconception of the Tobacco Laws was read the first time and ordered to Lye on the Table.

James Bowles Esq^r from the Upper House delivers M^r Speaker the following message Viz.

By the Upper House of Assembly.

Octob^r the 7th 1723.

Gent.

This House Concurrs with your House in an Ordinance to be Drawn up Obliging the Severall persons in whose hands any of the Town Records or other papers relateing to the Towns are, to deliver the same to the County Clerks as proposed in your Message to-day by M^r Oldham and M^r Bozman.

Signd p Order Sam Skippon Cl Up ho.

A Bill for the Relief of William Jarvis and W^m Griffin Languishing Prisoners in Calvert County was read the first and second times by Especiall Order and will pass, which was so Endorst and sent to the Upper House by M^r Smith and Capt. Young

L. H. J. They Return and Say they Delivered it.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the Bill for laying an Imposition on pork pitch and Tarr thus Endorst Viz:

By the Upper House of Assembly

Octob^r the 8th 1723.

This Bill will pass with the following Amendments.

By the Rectors and Visitors of the ffree-school According to the directions of An Act of Assembly relateing to Free schools at a sessions of Assembly begun and held at Annapolis 1695 Entituled to the Kings most Excellent Majesty &c.

Sign'd p Ord^r Sam Skippon Cl Up ho.

With which this House Concurrs and thereupon the Bill is amended Accordingly and past for Engrossing

p. 37 Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill for relief of William Jarvis and W^m Griffin thus Endorst viz:

By the Upper House of Assembly Octob^r the 8th 1723.

Read and will pass.

Sign'd p Ord^r Sam Skippon Cl Up. Ho.

Thereupon it pass't for Engrossing.

Col^o Young from the Upper House delivers M^r Speaker the Petition of Thomas Cobb a prisoner for debt in the Goal at Annapolis thus Endorst viz.

By the Upper House of Assembly Octob^r the 8th 1723.

Read and referr'd to the Consideration of the Lower House of Assembly

Signd p Order Sam Skippon Cl Up ho.

Which being read Leave is given to bring in a bill for his relief.

Col^o Tilghman from the Upper House delivers M^r Speaker the Petition of Mary Boyd thus Endorst.

By the Upper House of Assembly.

Octob^r the 8th 1723.

Read and recomended to the Consideration of the Lower House of Assembly.

Signed p Order Sam Skippon Cl Up ho.

Which was read and rejected.

L. H. J.

An Engrost Bill for the Relief of Will^m Jarvis and W^m Griffin Languishing prisoners in Calvert County was read and assented to and was so Endorst and sent to the Upper House by Col^o Mackall and M^r Smith. They Return and Say they delivered it.

The House Adjourns till to-morrow Morning nine of the Clock.

Wednesday Octob^r the 9th

The House Meets According to Adjournment

Yesterdays proceedings are read.

A Bill for the Relief of such Persons as have allready Suffered or may hereafter Suffer by the Misconception of the Tobacco Laws was read the first and second times by Especiall Order and past which was so Endorst and sent to the upper House by M^r Mackall and M^r Young.

They Return and Say they Delivered it.

Col^o Mackall from the Conference on the Indians Lands Returns the following Report Viz:

At a Conference held at the House of M^r Francis Bowes at the City of Annapolis on Monday the Seventh day of Octob^r Annoq Dom. 1723 to Examine into the Indians Lands upon Nanticoak and Choptank Rivers.

Of the Upper House of Assembly

The Hon^{ble} { Col^o Thomas Addison } Present.
 { Philemon Lloyd Esq^r }

Of the Lower House of Assembly.

Col. John Mackall }
M^r Robert Tyler } Present.
M^r Robert King }
M^r Thomas Gant }

p. 38

Who made Choice of the Hon^{ble} Col^o Thomas Addison Chairman and John Gresham Jun^r Clerk.

Adjourned till Tuesday morning Seven of the Clock.

Met According to Adjournment.

And upon Inquiry into what right the Nanticoke Indians have to the Lands they now live upon it is found that they Inhabited and had Cabins on Chickacoan Creek in the year 1668 as in lib. H. H. Land Councill Book fo: 296 and in the year 1678 as in Lib R R Land Councill Book fol. 166.

L. H. J. It Appears further that in the Year 1684 Commissioners were Appointed by his L^{dpp} the Lord Proprietary of this province to Assign and Lay Out for the said Nanticoake Indians a Certain tract or parcell of Land Upon Nanticoak River, Of which the Tract Lyeing between the North west ffork of Nanticoake River and Chickacoan Creek, now in the possession of those Indians and granted them by An Act of Assembly of this province made in the year 1698 we conceive to be a part.

Whereupon it is the Oppinion of the Conferrees that the Nanticoak Indians and their descendants, so long as they shall Claime the same shall Enjoy a peaceable and Uninterrupted possession of that Tract of Land lyeing between the North west fork of Nanticoak River and Chickacoan Creek Aforesaid as the Same is butted and bounded by a Certain Act of Assembly of this province made at Annapolis in the year 1698 as Appears by the Book of Laws fol. 166 and that the said Indians be not Allowed to Sell or Lease any part or parcell thereof, Upon any terms whatsoever.

It is further the Oppinion of the Confferres the Survey of the Choptank Indians Lands Made by the Hon^{ble} Philemon Lloyd Esq Col^o Richard Tilghman and Col^o M. Tilghman Ward is pursuant and Agreeable to the Design of the Act of Assembly made at S^t Marys in the year 1669 as Appears in W H fol 34 by which the said Land was granted to the Said Indians.

Wherefore we are of Opinion that no Leases already made shall Continue any Longer than Seven Years.

That the persons Concerned in such Leases be obliged to pay the rents Contracted for.

That the Indians shall not for the future Lease any Land upon any pretence whatsoever.

That all Leases or Sales Since Novb^r 1721 be Void with proviso to make good and Valid all Surveys and purchases already bona fide made since Novemb^r 1721 of Lands which Lye to the westward of Bear Skin Creek and to the South-
 p. 39 ward of the Indians Bounds as they were heretofore laid out by Col^o Thomas Smithson and Lieut. Col^o Thomas Ennalls pursuant to An Ordinance of Assembly.

Signd p Order John Gresham Jun^r Clk.

On reading whereof the Question was put whether a Vote shall be put whether this House will Concurr with the Conferrees in the whole Report or in parts.

It was Carried by the Majority of Votes that [it] be in parts

Then the Question was put whether this House will Con- L. H. J.
curr with the first part of that report as to the Nanticoak
Indians or not.

It past in the Negative.

And as to the other part of that Report this House Con-
curs therewith and thereupon the following Message is
prepared viz.

By the Lower House of Assembly. Octob^r the 9th 1723
May it Please your Honours

We have taken into Consideration the Report of the Con-
ferrees that were Appointed to Examine into the Indians
Lands upon Nanticoak and Choptank Rivers and Concurr
therewith in all its parts Except that the Indians shall not
be Allowed to Sell or Lease any part or parcell thereof upon
any Terms what ever which as it would prevent those that
have prior Grants to the Act of Assembly past in favour of
the Indians and have not (that Appears) received any Satis-
faction for the Same to purchase from the Indians we Con-
ceive would be a very great hardship on them first to take
Away their Lands for a publick good and neither make them
a Recompence for them nor Suffer them to purchase the In-
cumbrances at the Easiest terms they Can.

Signd p Order M Jenifer Cl Lo Ho:

Which was sent to the Upper House by M^r Crabb and M^r
King.

They Return and say they Delivered it.

Col^o Ward from the Upper House Delivers M^r Speaker the
Petition of John Clements thus Endorst viz:

By the Upper House of Assembly Octob^r the 9th 1723.

Read and Referred to the Consideration of the Lower
House.

Signd p Order Sam Skippon Cl Up. Ho.

Which being read, Leave is given to bring in a bill for his
relief, with a Clause for his removall to the Sherriff of Dor-
chester County and the four Burgesses for Dorchester County
or any two of them to be Commissioners

Resolved that the Chancellor be Allowed three hundred
pounds of Tobacco for Each Body of Laws for the Severall

L. H. J. Counties and publick and five hundred pounds of Tobacco for the Body of Laws Sent to great Brittain Last Year.

Ordered that Attachm^t of Contempt Issue to the Sherriff of Dorchester against Peter Taylor to Oblige him to Attend here next Sessions to testify Concerning the Lands Called Darby.

An Engrost Bill repealing such part of an Act of Assembly Entituled An Act for Laying an Imposition on Severall Comodities Exported out of this Province as relates to the Laying an Imposition or Duty on furs and Skins only and for
p 40 Laying an Imposition on Pork pitch and Tarr in lieu thereof was read and Assented to and was so Endorst and Sent to the Upper House by M^r Oldham and M^r Hudson. They Return and say they Delivered it

Col John Ward from the Committee Appointed to Agree with proper Workmen for Secureing the Provinciall Library returns the following Report Viz:

At a Committee Appointed by the Upper and Lower Houses of Assembly to Agree with proper workmen for secureing the Provinciall Library.

Present.

The Hon^{ble} Col^o Thomas Addison of the Upper House and Col^o John Ward Cap^t Justinian Jordan and Cap^t Henry Hooper of the Lower House.

The said Committee Aggrees with John Smith of Annapolis Joyner to fix Cases in the Conference Chamber, for the preservation of the provintiall Library with Strong Shelves and partitions at Convenient Distances with six Large Sash Doors which Cases are to begin at the Back of the Door of the said Chamber and to be Continued to the window on the West Side of the said Room and from the said window to the Closet Door on the same Side of the Room to be the full heighth of the Room and fifteen or Sixteen Inches in breadth from the Wainscott, as high as the Surbass of the room to be filled with pannells of good Wainscott and all Above that height to be well sashed with Glass, to find three good Side hinges two plate bolts and one good Lock and Key to Each Door and all other Mattereals necessary for Compleating the said Work (sash glasses only Excepted) which work the said Smith promises Compleatly to finish by Christmass next According to the direction of the Reverend M^r Samuell Skippon, for which we have agreed that the said Smith shall have paid him by the Treasurer of the Western Shore the Sum of Seventeen pounds ten Shillings Current money.

Which being read this House Concurrss therewith.

L. H. J.

Resolved a Bill be brought in to prevent the Tumultious meeting of Negroes.

James Bowles Esq from the Upper House delivers M^r Speaker the following Message Viz:

By the Upper House of Assembly

Octob^r the 9th 1723.

Gent.

On reading your Message relateing to the report of the Conferrees that were Appointed to Examine into the Affair About the Indians Lands we are of Oppinion that the Exception you make to that part of the report which prohibits the Selling or Leasing of Those Lands will render any Law now to Be made for securing the Indians rights to their Lands p. 41 Insignificant and make their Circumstances worse than they now are, For wee all know the naturall failing of those people to be such as that when they are in Drink designing persons may purchase any thing they have at what rates they please, some Instances whereof we have already had, which we take to be the Chief Occasion of proposeing a Law to be made relateing to them, and should the Indians be permitted to Sell and lease all their Lands (which in Little time we have reason to fear they would) the Consequence would be that the Country must be at the expence of purchaseing more for them, or that they must remove further back among Other nations of Indians and Carry with them their Resentments against us for haveing deprived them of their Lands here which would prompt them to Revenge themselves and Induce Other Nations of Indians to Joyn with them, and might prove prejudiciall to us and our neighbouring Colonies. As to the hardships done those persons who have grants for Lands within the Indians Bounds of an Elder date than the Act of Assembly which Confirms the Indians Lands to them we hope the Justice of the Legislature at that time was such that they would not Deprive any man of his Right or property without Just Cause and therefore we ought to believe that Either the proprietors of those Lands had a Compensation some way or Other made them for their Rights till the same should revert to them or their Heirs Again by the desertion of the Indians, or rather that the Indians were Actually resideing upon those Lands by the Consent of the Government when they were taken up, and for that reason thought by the Legislature to have a more Equitable Right than those who were but Intruders on them Besides if the proprietors of those Lands at the time of makeing the Law, had been able to make

L. H. J. it Appear that there was any Injustice done them; We doubt not but they would Immediately have Applied themselves to that or the next Succeeding Assembly for relief which we cannot find they ever did for which reasons wee hope your House will Concurr with us in Approveing the Report of the Conferees.

Signd p Order Sam Skippon Cl. Up Ho.

The House Adjourns till to-morrow morning nine of the Clock

Thursday Octob^r the 10th

The House Meets According to Adjournment

Yesterdays proceedings are read.

The Bill for the Advancement of Justice brought in Amended was read with the Amendments and past for Engrossing.

The Question being put whether this House will Concurr with the report of the Conferrees on the Indians Lands or not,

It passed in the Affirmative, And the Committee of Laws are ordered to prepare a bill Accordingly.

On a motion being made that some further Allowance may be made to the Chancellor for the Copies of the severall Laws Last Sessions,

Resolved that this House will further Consider thereof in the Allowances to be Made him for transcribing the Laws of this Sessions.

John Rousby Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper house of Assembly

Octob^r the 10th 1723

p. 42 Gent.

The Usual Allowances for Attendance as a Council of State being denied to some of the Members of our House by the Committee of Accounts gives occasion to so much the greater Surprise as your resolution therein Comes so unexpectedly. For by the Long Continuance thereof we had a great Deale of reason to be of Oppinion that Your House had been fully Convinced of the reasonableness as well as Justice of those Allowances made on Account of our Attendance upon Emergencies of Government, seeing that you Cannot be Insensible, that the Interest and Common Weal of this province are so Interwoven and Inseperably united to that of our Lord proprietary that there Can be no Sepera-

tion without hazarding the disolution of the whole nor Could L. H. J. wee have Imagined that your House would have fallen on any such measures as should give the Least Umbrage of Discourageing our faithfull Services to his Lordshipp for the evil or good of the Inhabitants of this Province either by denyeing us such reasonable and Customary Allowances as barely defray the Charge of Leaveing our ffamilys for the Service of the Publick or by any Other means whatsoever.

But supposing that you had some Reasons for this Innovation and that your House should be of Oppinion that the Lord Proprietary ought to Defray the Charge and Attendance of his Councill of State out of his Publick revenue yet you will give us Leave to put you in mind that the whole of the Revenue arising by Act of Assembly is Intirely Applied to the uses therein mentioned and to no other Uses whatsoever and Leaves no Room as wee Conceive for your House to Expect that our Allowances should be paid out of that Revenue, unless some further provision had been made for the better Enabling his Lordship, in the Support of such Charges as necessarily Attends the Dispatch of the publick Business, wherein wee, who are of his Lordships Councill conceive that wee have the Common Weal of this province as much at heart and as much under our Care, as when we are Called to Act in Conjunction with your House, in the Makeing of such wholesome and beneficiall Laws as seem most necessary for the Good Government thereof.

But notwithstanding that this unexpected Stop might Justly Alarm the Members of his Lordships Councill and give Umbrage of Suspicion that the Representatives of this province have so mean an oppinion of the persons whom his Lordship has made Choice of to Advise his Lieu^t Governour in all Emergencies of State, as to believe that they do not Deserve the same publick Acknowledgements as formerly, yet we are willing to Search out Other Reasons for this Alteration and have a Dependance that the Justice of your House which Shines upon other Occasions, will Convince us that the Directions given to the Committee of Accounts, proceeded rather from some hasty Resolve (which when reassumed and Scrutinized, will have no place with you) than from any ^{p. 43} fixt Resolution of your House to deny upon any Terms the Customary Allowances made to the Members of this House when they Act as a Councill of State for [the] publick good.

Signd p Order Sam^l Skippon Cl. Up. ho.

A Bill to punish Blasphemers Swearers Drunkards and Sabath breakers was read the first and second times by Es-

L. H. J. peciall Order and past which was so Endorst and sent to the Upper House by M^r Crabb and M^r Waughop.

They Return and Say they Delivered it.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill for relief of such persons as have or may Suffer by the Tobacco Law thus Endorst viz:

By the Upper House of Assembly.

Octob^r the 10th 1723.

Upon Reading the within Bill we think it not adviseable that the Law should have a Retrospect but that such persons only be relieveable thereby as shall for the future think themselves Injured by a Judgement to be given by a single Magistrate for which reason the Bill will not pass as it now Stands.

Signd p Order Sam Skippon Cl Up ho.

The Bill to prevent the Tumultuous meeting of negroes was read with the Amendments and the Question is put whether the same shall pass with the Amendments or not?

It passed in the Affirmative.

Thereupon the Bill past.

The House Adjourns till to Morrow Morning nine of the Clock.

Friday Octob^r 11th 1723

The House meets According to Adjournment

Yesterdays proceedings are read.

M^r Smith on his motion has the Leave of the House to go Home his family being sick.

On reading the Bill for relief of such persons as have or may suffer by the Tobacco Laws and the Endorsment thereon the following Message is prepared viz.

By the Lower House of Assembly

Octob^r 11th 1723.

May it please your Honours

On reading your Endorsment on the bill for relief of such persons as have or may suffer by the Tobacco Laws &c we think it but reasonable that those persons that have Already Suffered by the Magistrates Misconceiving the Laws ought to be relieved as well as those that hereafter shall Suffer; for that the Laws haveing A Retrospect will be only to relieve those who have Suffered for want of a proper pro-

vision made for them in the former Laws which we Conceive L. H. J. is but doing them Justice now and therefore Desire the Bill may pass as it now stands.

Signd p Order M Jenifer Cl Lo: Ho.

Which was sent to the Upper House by M^r Tyler and M^r p. 44
Whittington

They return and say they Delivered it.

Col^o Addison from the Upper House Delivers M^r Speaker the bill to try all Crimes in the Counties where they are Committed thus Endorst viz:

By the Upper House of Assembly

Octo^r the 11th 1723.

Gent.

On Reading and Considering the within Bill we are of opinion that it will not be Convenient to make the tryall of Crimes which Effect Life or Member within the Jurisdiction of the County Courts onely Assisted by one provinciall Justice, because many of the Justices practitioners of the Law and Other Officers in Severall Countys (tho otherwise men of good Discretion) are not well Acquainted with the Law in such Cases, Besides as there are but few Provinciall Justices and those farr remote from some of the County Courts, It may Often happen that the next provinciall Justice by sickness or other Accidents may be prevented from giving his Attendance at the County Courts where such Criminalls are to be tryed which would occasion them to be Detained a Long time in prison and Rather Augment then Lessen the publick Charge and render the Execution of the Law Impracticable for which reasons the Bill will not pass.

Signd p Order Sam Skippon Cl Up. Ho.

And also Delivers the following Message Viz:

By the Upper House of Assembly. Octob^r 11th 1723
Gent.

Although for the Reasons Mentioned in our Indorsment on the Bill to try all Criminalls in the County Courts where such Crimes were Committed wee Could not Consent to the passing of that Bill, Yet we are sufficiently Convinced by the Representation of the Hon^{ble} provinciall Justices and Other Credible Information that the Long Attendance of Jurors Evidences and the Criminalls and Suitors themselves at the Provinciall Courts together with the great fatigue and Hazard in repairing to those Courts is a very great Aggriev-

L. H. J. ance to the good people of this Province; for remedy whereof for the future we cannot think of any more probable Expedient then that two or more of the most Discreet and Knowing persons on either side of the Bay should be Commissionated as Judges who at Certain Days to be Appointed shall in the Severall Counties together with One or more of the County Justices according to the usuall methods of proceedings in such Cases hear and Try all Matters of fact arising in those Counties whether Criminall or Civil not within the Jurisdiction of the County Court by which means all Jurors Evidences and other persons Concerned in Matters of fact may be Excused from any necessary Attendance at the Prov-
 p. 45 intiall Courts and the matters of fact tryed by Jurors of the neighbourhood who must be Supposed to be best Acquainted with them If your House are Inclinaire to Come into any such measures we propose a Conference between some of the Members of both Houses for that purpose

Thereupon it is Resolved that a Conference be granted and Daniell Dulany Esq^r M^r Robert Tyler John Beale Esq^r Cap^t Henry Hooper Cap^t Robert King and M^r John Oldham are Appointed to Joyn such of the members of the Upper house as shall be Appointed by them in a Conference thereon. Whereupon the following Message is prepared viz:

By the Lower House of Assembly Oct^r the 11th 1723
 May it please your Honours

We have Considered your Message this day by Col^o Addison for Appointing Commissioners on Each Side of the Bay as Judges to try all matters of fact in the severall Countys and Concurr with your Honours proposalls of a Conference on the Subject Matter therein Contained and for that End have Appointed Daniel Dulany M^r Robert Tyler John Beale Esq^r Cap^t Henry Hooper Cap^t Robert King and M^r John Oldham members of our House to Joyn with such Members as shall be Appointed by your House in the Conference proposed who are ready to Attend.

Signd p Order M. Jenifer Cl Lo Ho.

Which was sent to the Upper House by the Gentlemen Appointed

They return and Say they Delivered it

A Supplementary Bill to an Act Intituled an Act declaring the rights of three Lots in Annapolis for the uses therein mentioned was read the first and Second times by Especiall

Order and past which was so Endorst and Sent to the Upper L. H. J. House by M^r Beale and M^r Humphreys

They return and say they Delivered it

A Bill for vesting part of a Lot in Annapolis in Robert Gordon was read the first and second times by Especiall Order and past which was so Endorst and sent to the Upper House by M^r Warfield and M^r Humphreys

They return and Say they Delivered it.

Col^o Young from the Upper House Delivers M^r Speaker the following Message viz:

By the Upper House of Assembly.

October the 11th 1723.

Gent.

The Case of Samuëll Gover being very particular and as we are informed, haveing been fully heard Last Sessions before you and rejected is one reason that makes us unwilling the Law should have a Retrospect so farr at Least as relates to him; but in relation to others if you Insist upon it we Consent that the Bill do pass.

Signd p Order Sam Skippon Cl Up Ho.

In answer whereto the following Message is prepared Viz:

By the Lower House of Assembly

Octob^r the 11th 1723.

May it Please Your Honours

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In Answer to your Message by Col^o Young in respect to Samuëll Gover this House is not willing particularly to Except him for that if he has any right to be relieved he ought not to be Excluded and the County Court will be the Judges either to Acquit or Condemn him And therefore Desire that he may be under the Like Circumstances with other people.

Signd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r Bozman and M^r Hawkins.

They Return and say they Delivered it.

Col^o Young and Col^o Tilghman from the Upper house deliver M^r Speaker the following Message viz.

By the Upper House of Assembly. Octob^r the 11th 1723

Gent.

In Answer to your Message this Day by Daniëll Dulany Esq^r and five Others, this House does Appoint Col Samuëll

L. H. J. Young and Col^o Richard Tilghman to Joyn with the Gentlemen appointed by your House in a Conference on the Subject matter Contained in Our proposalls this day by Col^o Addison and they are now ready to Enter on the Conference.

Signd p Order Sam Skippon, Cl Up Ho.

An Engrost Bill for the Advancement of Justice was read & Assented to and was so Endorst and Sent to the Upper House by M^r King and M^r Hooper.

They Return and say they Delivered it

The House Adjourns till to morrow Morning nine of the Clock.

Saturday Octob^r 12th

The House meets According to Adjournment

Yesterdays proceedings are read.

M^r Thomas Waughop on his motion has the Leave of the House to go home his family being very sick.

A Bill to prevent the tumultuous meeting of negroes was read with the Amendments and past which [was] so Endorst and sent to the Upper House by Cap^t Harrison and M^r Sherwood.

They return and say they Delivered it.

Col Ward from the Upper House Delivers M^r Speaker the Supplementary Bill to the Act Declaring the Right of three Lots in Annapolis thus Endorst viz.

By the Upper House of Assembly

Octob^r the 12th 1723

Read and will Pass.

Signd p Order Sam^l Skippon Cl. Up. ho.

Which was read Again and past for Engrossing.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the Bill to prevent the Tumultuous meeting of negroes Thus Endorst viz.

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By the Upper House of Assembly Octob^r 12th 1723.

On reading the within Bill we do not find th^t the Constable is Empowered to take and Command Assistance along with him to the place where he shall hear negroes or other Slaves are tumultuously Assembled and we think it would be proper to Add a Clause for that purpose because it may so happen that

no white person being a freeman may be present at such meeting of negroes and the Constable might be in Danger of being Abused by them in the Execution of his Office. Wee also propose that a Clause be added Injoyning under a penalty this Act to be publickly read by the Overseers of the highways Constable or Some other Officer at such times and places where negroes are met to repair the publick Roads with which amendements the Bill will pass.

Sign'd p Order Sam Skippon Cl Up Ho.

On reading whereof as to the first Amendment this House agrees thereto.

And as to the second Amendment this House is of Opinion that the same will be needless.

Benjamin Tasker Esq^r from the Upper House delivers M^r Speaker the Bill to punish Blasphemers Swearers drunkards and Sabath breakers thus Endorst viz:

By the Upper House of Assembly Octob^r the 12th 1723.

On reading and Considering the within Bill wee think it necessary that a Clause be Added for Saveing all Prosecutions allready Commenced by Vertue of the former Laws and Asscertaining at what rate the fines for Cursing and Swearing shall be paid in Tobacco when Certified by the magistrate or other Officers to the County Courts wth which Amendments the Bill will pass.

Signd p Order Sam Skippon Cl Up ho.

With which this House Concurrs and thereupon the bill is Committed for Amendment and ordered that the Committee of Laws Amend the Same.

Col^o Young from the Upper House delivers M^r Speaker the Bill for relief of such persons as have or may Suffer by the Tobacco Laws thus Endorst viz:

By the Upper House of Assembly

October the 12th 1723.

Upon further and due Consideration we cannot Consent to pass the within Bill [with] a Retrospect.

Sign'd p Order Sam Skippon Cl Up ho.

The House Adjourn till to morrow morning nine of the Clock.

L. H. J.

Monday Octob^r the 14th 1723

The House meets According to Adjournment

Saturdays proceedings are read.

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Ordered the following Message be prepared Viz.

By the Lower House of Assembly Octob^r the 14th 1723.

May it please Your Honours

On your Honours Consent by your Message of the 7th Instant by Col^o Young with us in removeing Richard Young from the Office of Gate Keeper we have taken the necessary Care in that particular and therefore wee propose Thomas Jobson as a proper person for that Office who is willing to Undertake the same and desire your Honours Concurrence with us in Appointing him Gate Keeper after this Sessions, and that your Honours will be pleased to Joyn some of the members of your House with some of the Members of our House to view the Gates Gate houses and Town fences and order the necessary repairs thereof That After they are made the said Jobson may give Security for the due Execution of that Office According to our Message the Last Sessions of the third of November by M^r Tyler and M^r Crabb.

Signd p order M. Jenifer Cl. Lo. Ho.

Which was Sent to the Upper House by M^r Courts and M^r Tolley

They return and say they delivered it.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the following Message viz.

Octob^r the 14th 1723.

Gentlemen.

This House Concurrs with you in your proposall of Thomas Jobson as Gate Keeper in the Room of Richard Young and Appoints James Bowles and Benjamin Tasker Esq^{rs} to be Joynd with such Members as your House Shall appoint to view the Gates Gate houses and Town fences and order the necessary repairs who are ready to proceed thereon Immediately.

Signd p order Sam Skippon Cl Up ho.

Thereupon M^r Crabb Cap^t Harrison M^r Courts and M^r Chairs are Appointed to Joyn the Members proposed by the

Upper House and thereupon the following Message is pre- L. H. J.
pared viz.

By the Lower House of Assembly October the 14th 1723
May it please your Honours.

This House has Appointed M^r Ralph Crabb Joseph Harrison M^r John Courts and M^r John Chairs to Joyn the members proposed by your House in a Committee to view the Gates Gate houses and Fences &c. who are ready to proceed thereon Immediately.

Signd p Order M Jenifer Cl Lo Ho.

Which was sent to the Upper House by the Gentlemen Appointed.

They Return and say they Delivered it

On Reading the Bill to prevent the Tumultious meeting of negroes and the Endorsement thereon

Ordered the same be Endorst as follows viz.

By the Lower House of Assembly

Octob^r the 14th 1723.

May it Please Your Honours.

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On Considering your Endorsment on the within Bill as to the first Amendment we Concurr therewith But as to the Second Amendment therein proposed we are of Opinion that it will be more proper that the Sherriffs of Each County at every County Court that Shall sit be Obliged to publish and read the Law than to Oblige the Severall Overseers Constables &c to Read it as proposed And therefore Desire the Bill may pass with these Amendments.

Signd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r King and M^r Jordan they return and say they Delivered it.

A Bill for relief of Ann Arundell County was read the first and second times by Especiall Order and past which was so Endorst and sent to the Upper House by M^r Beale and M^r Warfield.

They return and say they Delivered it.

Col^o Young from the Upper house Delivers M^r Speaker

L. H. J. the Bill to prevent the Tumultuous meeting of negroes thus
Endorst.

By the Upper House of Assembly

Octob^r the 14th 1723

Gent.

This House Agrees that the within Bill do pass with the
Amendments proposed by your House.

Signd p Order Sam Skippon Cl Up. ho.

Thereupon the same is Committed for Amendment

Col^o Tilghman from the Upper House Delivers M^r Speaker
the Bill for relief of Ann Arundell County thus Endorst viz:

By the Upper House of Assembly Octob^r the 14th 1726.

Read and will pass.

Signd p Order Sam Skippon Cl. Up ho.

Thereupon the same past for Engrosing.

A Bill to quiet the Possession of the Indians was read the
first and second times by Especiall Order and past which was
so Endorst and sent to the Upper House by Cap^t Hooper
and M^r Pritchett.

They return and say they Delivered it

On a Mocōn made Resolved that a Bill be brought in to
prevent the Causeless Entry of Caveats in the Land Office,
and

Ordered that the Committee of Laws prepare the Same.

The House Adjourns till to Morrow Morning nine of the
Clock.

Tuesday Morning Octob^r the 15th 1723

The House meets According to Adjournment.

Yesterdays proceedings are read.

p. 50 An Engrost Bill in favour of Robert Gordon was read and
Assented to and was so Endorst and sent to the Upper House
by M^r Humphreys and M^r Warfield.

They return and say they delivered it.

The ffollowing Message is prepared viz.

By the Lower House of Assembly. Octob^r the 15th 1723
May it please your Honours.

On Considering your Message of the tenth Instant by John
Rousby Esq^r relateing to the Allowances usually made to your

Honours as a Councill of State we are of Oppinion that the L. H. J. publick ought not to be burthened with paying for the privy Councillors Attendance out of Assembly time not for that wee Doubt your Honours haveing at heart the Common Weal of this province as much when Acting as privy Councillors as when in Conjunction with our House in makeing of wholesome Laws for the good Government of this Province but for that we find by An Act made in the year 1670/1 Two Shillings p^h hh^d was raised to the Right Hon^{ble} Cecilius then Lord and Proprietary thereof dureing his Life to Enable him in some Measure to defray the many great and necessary Expences of Government and in particular to Allow Convenient Sallaries and Encouragements to the Lieutenant Gen and Chief Governour And to the privy Councill of the Lord and proprietary of the province for the then time being so as without prejudice to their private Affairs they might be Encouraged to Attend unto the Administration of Justice and other publick Concernm^{ts} as also towards the maintaining a Constant Magazine with Arms and Amunition for the Defence of the province And the other twelve pence p^h hh^d was raised in Consideration of his Lordships takeing his Quit Rents and fines for Alienations in Tobacco at two pence p^r pound & also for that one Other Act in the year 1674 and another in the year 1678 Raises the Same Duty for the same uses We also find by the Act made in the year 1717 that one shilling p^h hh^d was raised towards the maintaining the Station and Dignity of his Lordship's Lieutenant Governour Actually Inhabiting and resideing within this province And to such other necessary uses towards the Support and Defence of the said Lord proprietary's Government of this province as in his Lordships Wisdom to him should seem meet upon which we are humbly of opinion that as the privy Councill are a part of the Government Chosen by his Lordship to Support the prerogative so we presume that part of that twelve pence p^h hh^d is raised to defray the Charges of the Councill out of Assembly time. Wee further Observe to Your Honours That by the Act of Assembly that Ascertaines the Expences of the Councillors Delegates &c. all such are to be Allowed the Sum of One hundred and fifty pounds of Tobacco p^r day dureing the time they shall attend such Assemblies and no more besides their Itinerant Charges to be paid out of the publick Levy So that should we Assess that on the people whom we represent which in our Opinion they Ought not to be burthened with and we are not warranted to do we should be Esteemed but bad husbands of their money and little deserv-

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L. H. J, ing the trust reposed in us for which reasons we cannot recede from our former Resolve on that occasion.

Signd p Order M. Jenifer Cl. Lo: Ho:

Which was sent to the Upper House by M^r Beale and five Others

They return and say they delivered it.

A Bill directing the manner of recovering Fines for not Appearing at the Clearing of the High ways was Read the first and second times by Especiall Order and past which was so Endorst and sent to the Upper House by Col^o Mackall and M^r Oldham.

They Return and Say they Delivered it.

A Bill to punish Blasphemers Swearers Drunkards & Sabath Breakers was read with the Amendments and past for Engroseing.

A Bill for Erecting Schools in Each County was read the first time and Ordered to Lye on the table.

The Report of the Conferrees relateing [to] Circular Judges which was read and Ordered to be Entred as follows Viz:

At a Conference held at John Jordans Octob^r 12th 1723 Concerning the great delay of business in the Prov^l Court Occasioned by the length of time taken up in the Tryall of Criminalls and to propose a Method to Ease the people of that Inconvenience.

Present of the Upper House.

The Hon^{ble} { Samuell Young Esq^r
Richard Tilghman Esq^r

Of the Lower House

Daniell Dulany Esq ^r	M ^r Robert Tyler
John Beale Esq ^r	Cap ^t Henry Hooper
Cap ^t Robert King	M ^r John Oldham

Made Choice of Col^o Young for Chairman and M^r George Plater to be Clerk.

Adjourned till Monday.

Then met and proceeded as followeth. The Conferrees are of oppinion that the Appointing three of the Justices of the Provintiall Court on Each side of the Bay and Impowering any two of them together with one or two of the County Justices to hear and Determine all Criminall Cases not tryable in the County Courts and all Civill Actions that shall be Com-

menced in the provinciall in the Severall Countys where the L. H. J. facts shall Arise, will be the best Expedient that Can be thought of to remove the Inconvenience, Complained of, and the most Agreeable to our Constitution for the following p. 52 reasons.

1st That it is Agreeable to the Manner of proceeding in Like Cases in England where (by Severall hundred years Experience) tryalls by the neighbourhood (who must Certainly be most Connusant of the fact) has been found to be the greatest Security of the peoples Lives fortunes, liberty and reputations, as well as the surest Method of bringing Criminnalls to Justice and Exactly Agreeable to the ninth Chapter of Articuli Super Chartas wherein it is Expressly provided that every Sherrieff or Bailiff should put on Inquest, such as be next neighbours most Sufficient and Least Suspicious on pain of paying Double Damage and being Greivously amerced to the King.

2^{dly} That althô the Alteration pposed may probably Increase the publick Charge About thirty thousand pounds of Tobacco according to the Estimate Annexed, that as the Attendance of Jurors Evidences and Suitors, will be much Shortned, the Cost will be Lessened in proportion, besides the Convenience of bringing the tryalls home to the peoples doors, and saving the fatigue and Expence of personall Attendance at the Provinciall Court (which as the Courts are Established happen in the busy Seasons of the year and Consequently when it is the more prejudiciall to the people to be from home) will make Ample Amends for the Increase of the publick Charge.

3^d That when tryalls are in the neighbourhood where the facts arise, there's Less danger of false testimony prevailing then where the Contending parties, Jurors and Wittnesses are strangers to One another; this Circumstance is of very great weight and worthy Consideration as Appears in S^r Mathew Hales History of the Common Law of England where treating of these Sort of Tryals, he has these remarkable words " And further the very quality, Carriage, Age, Condition Education and place of Commorance of Wittnesses is by this means plainly and Evidently set forth to the Court and the Jury whereby the Judge and Jurors may have a full Information of them, and the Jurors as they see Cause may give more or Less Credit to their Testimony, for the Jurors are not only Judges of the fact, but many times of the truth of the Evidence and if there be Just Cause to disbelieve what a Wittness Swears they are not bound to give their Verdict According to the Evidence or Testimony of that

L. H. J. Wittness; and they may sometimes give Credit to one witness tho opposed by more than one and Indeed it is one of the Excellencies of this Tryall Above the tryall by witnesses that altho the Jury ought to give a great regard to Witnesses and their testimony yet are they not always bound by it but may upon reasonable Circumstances inducing a blemish upon their Credibility tho otherwise in themselves in Strictness of Law they are to be heard, Pronounce a Verdict Contrary to such Testimony the truth whereof they have reason to Suspect and may and do Often pronounce their Verdict Upon one Single Testimony." The Advantages mentioned by that great & famous Judge Attending tryalls by Jurors Cannot possibly be had, but where the facts are tryed where they happen and where the Jurors partys and Witnesses are known to One Another.

The Conferrees are of Opinion that it would be Convenient (in order to Lessen the publick Charge) to Reduce the number of Provintiall Justices to Six.

That no person be Exempt from Serving on Jury that is Legally Quallified but Councillors Clergymen Magistrates Assembly men and Constables

The Conferrees are also of opinion that if the Judges be Appointed on Each Side of the Bay as proposed they should begin to go their Circuits the beginning of Aprill and beginning of September Yearly, and that the Provintiall Court should sitt About the 20th of May and 20th of October Yearly.

Signed p order George Plater Ck.

With which this House Concurr.

And thereupon the following Message is prepared viz.

By the Lower House of Assembly October the 15th 1723.
May it please Your Honours.

We have read the report of the Conferrees Concerning the Great Delay of Business in the Provinciall Court occasioned by the Length of time taken up in the tryall of Criminalls and to propose a Method to Ease the people of that Inconvenience and Concurr therewith and desire to Know whether your Honours will Agree with us therein that a Bill may be prepared According to that Report

Signd p Order M. Jenifer Cl Lo. Ho:

Which was sent to the Upper House by the Gent Conferrees

They return and say they Delivered it.

On reading the Report of the Conferrees to Agree with L. H. J. proper workmen for securing the Provinciaall Library the following Message is prepared viz:

By the Lower House of Assembly

Octob^r the 15th 1723

May it please Your Honours

p. 54

We have read and Considered the Report of the Conferrees Appointed by both Houses to Agree with proper workmen for Securing the Provinciaall Library and Concurr therewith and desire to know whether the same be^e Agreeable to your Honours which if it is the workmen may proceed thereon Immediately.

Signd p order M Jenifer Cl Lo Ho.

Which was sent to the Upper House by Col^o Ward and Cap^t Jordan. They return and Say they delivered it.

Col^o Ward and James Bowles Esq^r from the Upper House Deliver M^r Speaker the following Message viz:

By the Upper House of Assembly. Octob^r the 15th 1723

Gent.

We Agree with your House that a bill may be prepared According to the Report of the Conferrees as proposed in your Message by M^r Dulany and five Others.

Signd p Order. Sam Skippon Cl Up. ho.

Thereupon the Committee of Laws are Ordered to prepare the Bill Accordingly.

Ordered that the publick Treasurer of the Eastern Shore send for all the Statutes at Large, Hales Pleas of the Crown the Last Edition Hawkins pleas of the Crown Daltons Justice the Last Edition Nelsons Justice for the use of the Provinciaall Court to be Stampd with Letters on the Out Side, For the Use of the Province of Maryland.

Resolved that a Clause be Added to the Bill to be brought in for Appointing Circular Judges to Continue some Actions in the provinciaall Court.

An Engrost Bill for relief of Elizabeth Major of Prince Georges County and

An Engrost Supplimentary Bill to the Act declaring the Rights of three Lotts in Annapolis were Severally read & Assented to and were so Endorst and Sent to the Upper house By M^r Stoddart and M^r Humphrys

L. H. J. They return and say they Delivered them

The Bill for Encouragement of Learning and Erecting Schools in the Severall Counties within this province was read the Second time and past which was so Endorst and Sent to the Upper House by M^r Stoddert and Eleven more

They return and say they Delivered it.

p. 55 John Rousby Esq^r from the Upper House Delivers M^r Speaker the following Message viz:

By the Upper House of Assembly.

October the 15th 1723.

Gent.

We Concurr with the Report of the Conferrees relateing to the Provintiall Library and with your Message by Col^o Ward and Cap^t Justinian Jordan.

Signd p Order Sam Skippon Cl Up ho.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the Bill Directing the manner of the recovering fines for not Appearing on the Highways thus Endorst viz:

By the Upper House of Assembly. Octob^r 15th 1723

Read and will Pass.

Sign'd p Order Sam Skippon Cl Up Ho.

Thereupon the Same past for Engroseing.

The House Adjourns till to morrow Morning nine of the Clock.

Wednesday Octob^r the 16. 1723

The House meets According to Adjournment. Yesterdays proceedings are read.

An Engrost Bill to prevent the Tumultuous Meetings and other Irregularities of negroes and Other Slaves was read and assented to and was so Endorst and Sent to the Upper House by M^r Young and M^r Read.

They return and say they Delivered it.

The following Message is prepared viz:

By the Lower House of Assembly. Octob^r the 16th 1723

May it please Your Honours

The Provintiall Court wanting the Statutes at Large and other necessary Books for their use We Desire your Honours

Concurrence with us in directing the Hon^{ble} Robert Ungle L. H. J. Esq^r Treasurer of the Eastern Shore to send for All the Statutes at Large Hale's pleas of the Crown of the Last Edition Hawkins pleas of the Crown Daltons Justice the last Edition and Nelsons Justice for that purpose with Letters Stampt on the Out Side of Each Book,

For the use of the Province of Maryland.

Signd p Order M Jenifer Cl Lo Ho.

Which was sent to the Upper House by Cap^t King and Capt. Harrison.

They Return and say they Delivered it.

The Petition of John Medcalf is referr'd till next Sessions.

An Engrost Bill Directing the manner of the recovery of p. 56 Fines for not Appearing at the Clearing the Highways, And [an] Engrost Bill to punish Blasphemers Swearers Drunkards & Sabbath breakers and for repealing the Laws heretofore made for the punishing Such Offenders were severally read and Assented to and were so Endorst and Sent to the Upper House by M^r Bozman & Cap^t Hudson.

They return and say they Delivered them.

Col^o Holland and Col^o Young from the Upper House Deliver M^r Speaker the following Message viz:

By the Upper House of Assembly.

Octob^r the 16th 1723

Gent.

By your Message of the 15th Instant by John Beale Esq^r and five more, we find our selves under a Necessity of reminding you that the Country has since the Year 1670/1 and in all probability many years before, supported the Council of State in this province, by makeing Such Allowances from time to time as might Defray their Expences when upon publick Service, either by raising an Impost for that purpose, or by Assessment Upon the Inhabitants; by Impost Untill the King Assumed this Government, then the Legislature thought fit to Apply that Impost to other uses, and Assess the Inhabitants and so Continued Dureing the Governm^t of the Crown. When the Proprietary Government was restored, they Continued the like Impost to the Like Uses, and still Assessed the Inhabitants for Support of the Council Unto this Day; the Case being so we can have no Expectation, that his Lordship will Support his Council now, when we have made no provision for him so to do. If you Doubt any of the Above Allegations we desire a Conference with some of

L. H. J. your members, that we may evince the truth of them, which when done, we cannot think that you will be of Opinion that we ought to serve the publick at our own Expence, but rather that we should be Allowed as usuall

Signd p Order. Sam Skippon Cl Up Ho.

Thereupon Resolved that a Conference be granted and M^r Hill M^r Beale Col^o Mackall M^r Tyler M^r Crabb and M^r King are Appointed to Joyn with Such of the members of the Upper House as they shall Appoint in the Conference proposed. And the following Message is prepared viz.

By the Lower House of Assembly.

Octob^r the 16th 1723

May it please Your Honours

On reading your Message this Day by Col^o Holland and
p. 57 Col^o Young desireing a Conference Concerning the usuall Allowances to the Members of his Lordships Hon^{ble} Councill out of Assembly time we agree thereto and for that End have Appointed M^r Joseph Hill John Beale Esq^r Col^o John Mackall M^r Robert Tyler M^r Ralph Crabb and M^r Robert King of our House to Joyn with such Members as shall be Appointed by your House in a Conference on the Subject matter proposed who are ready to Attend.

Sign'd p Order M Jenifer Cl Lo. Ho.

Which was Sent to the Upper House by the Gent Appointed.

They return and say they Delivered it.

Col^o Addison from the Upper House Delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

October the 16th 1723.

Gent.

We Concurr with Your House in your Message this day by Cap^t King and Cap^t Harrison.

Signd p Order Sam Skippon Cl Up Ho.

Col^o Addison and Col^o Tilghman from the Upper House deliver M^r Speaker the following Message viz:

By the Upper House of Assembly Octob^r 16. 1723.

Gent.

We desire your House to Appoint some of your Members to be Joyn'd with Col^o Addison and Col^o Tilghman, in order

to fill up the Blank spaces in the Bill for Encouragement of L. H. J. Learning &c. and to Agree Upon Visitors for the severall Schools to be Erected in the Severall Counties.

Signd p Order Sam Skippon Cl Up Ho.

Thereupon Col^o Mackall M^r Jordan M^r Kennard M^r Beale Cap^t Harrison M^r Bozman M^r Tolley M^r King M^r Hooper Col^o John Ward M^r Tyler and M^r Edward Wright are Appointed to Joyn the said Col^o Addison and Col^o Tilghman in a Committee thereon and ordered the following Message to be prepared viz.

By the Lower House of Assembly. Octob^r the 16: 1723

May it please Your Honours

We Concurr with Your Message this Day by Col^o Addison and Col^o Tilghman and therefore have Appointed Col^o John Mackall M^r Justinian Jordan M^r Phillip Kennard John Beale Esq^r Cap^t Joseph Harrison M^r Thomas Bozman M^r Thomas Tolley M^r Robert King M^r Henry Hooper Col^o John Ward M^r Robert Tyler and M^r Edward Wright of our House to joyn the members of your House in order to fill up the blank Spaces in the Bill for Encouragement of Learning &c. and to Agree upon Visitors for the severall Schools who are ready to proceed thereon Immediately. p. 58

Signd p Order M Jenifer Cl Lo Ho.

Which was sent to the Upper House by [the] Gent Appointed.

They return And say they Delivered it.

Col^o Word from the Upper House Delivers M^r Speaker the Bill to quiet the possession of the Indians with the following Message viz:

By the Upper House of Assembly. Octob^r 16th 1723

Gent.

Upon reading and Considering the Bill herewith Sent, the Alterations proposed to be made by us therein, We found were Such as Could not without Confusion be Interlined in the Bill, wherefore we Judged it would be more Convenient to write the whole Bill over with the Amendments, than to propose them to be Interlind with which if your House Concurr, the same will pass.

Sign'd p Order Sam^l Skippon Cl Up Ho.

L. H. J. Whereupon the Bill Aforesaid past for Engrosing.

James Bowles Esq^r from the Upper House Delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

Octob^r the 16th 1723.

Gent.

In Answer to your Message this Day by M^r Hill and five more this House does Appoint Col^o Richard Tilghman and Col^o Mathew Tilghman Ward members thereof to Joyn in a Conference with the Gentlemen Appointed by your House on the Subject Matter proposed in our Message this day by Col^o Holland and Col^o Young.

Signd p Order. Sam Skippon Cl. Up. Ho.

The House Adjourns till to Morrow Morning nine of the Clock.

Thursday Octob^r the 17th

The House Meets According to Adjournm^t

Yesterdays proceedings are read.

M^r Crabb from the Committee Appointed to View the Town fence Returns the following report viz:

By the Committee Appointed to view the Town fence Gate Houses and gates Octob^r 14th 1723.

The Hon^{ble} { James Bowles Esq^r } of the Upper
 { Benjamin Tasker Esq^r } House.

p. 59

M^r Ralph Crabb } of the Lower
M^r John Courts } House.
Cap^t Joseph Harrison }

The said Committee haveing Duely Inspected therein are of opinion that the fence requires for its repair six large fence loggs for each pannell and the South End thereof to Extend ten foot farther into the Creeke and the Other End fifteen foot and that the Gate houses are rotten and intirely useless but that the gates will be of further service if rehung so as to swing Clear of the Ground.

With which this House Concurrs and in Order to the necessary repairs Resolved that the same Members of this House as were Appointed on that Committee be joyned with some of the members of the Upper House such as they shall think

fit to Appoint to make an Estimate of the Charges and to L. H. J. treat with proper Workmen for the repairs and Buildings.

And thereupon the following Message is prepared viz:

By the Lower House of Assembly

Octob^r the 17^h 1723

May it please Your Honours

On reading the report of the Committee Appointed by both Houses to view the town fences Gate houses and Gates we Concurr therewith and Desire that some of the members of your House may be Appointed to Joyn with the same Gent of our House Appointed of that Committee to make an Estimate of the Charge and to treat with proper workmen for making the necessary repairs and buildings.

Sign'd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by the Gent Appointed They return and say they Delivered it

A Bill for the Tryall of all matters of fact in the severall Counties where they have Arisen and shall Arise and for Continuance of Causes in the provintiall Court and Adjournment of that Court was read the first time and Ordered to Lye on the Table.

On reading again the Petition of John Gould a Languishing prisoner in Annapolis and on hearing the objections of Charles Carroll Gent Against the Bringing in a Bill for his relief, Leave is given to bring in a bill as prayd

Col^o Holland and three more from the Upper House Deliver M^r Speaker the Bill for Encouragement of Learning thus Endorst viz:

By the Upper House of Assembly

Octob^r 17th 1723

The within Bill being read will pass with the following p. 60 Amendments viz: 1st, or other person; 2, shall be members of the Church of England and

Signd p order Sam Skippon Cl. Up Ho.

Thereupon the Bill is Amended Accordingly and past for Engrosing.

On reading the Petition of Thomas Beezley and John Farrill poor prisoners and on hearing the Objections of Charles Cole Gent. against bringing in a bill for their relief leave is given to bring in a bill as prayed.

L. H. J. An Engrost Bill to quiet the possessions of the Indians was read and Assented to and was so Endorst [and sent] to the Upper House by M^r Blackistone and three others.

They return and say they Delivered it.

M^r Hill from the Conference appointed about the Allowances to his Lordships Council of State returns the following Report viz.

At a Conference held at the House of M^r Francis Bowes on thursday the Seventeenth Day of October 1723 to Conferr about the Allowances to be made at his L^{pps} Council of State

Present

The Hon^{ble} { Col^o Richard Tilghman } of the Upper House
 { Col^o M. T. Ward }

&

The Hon^{ble} { M^r Joseph Hill } of the Lower House.
 { M^r John Beale }
 { Col^o John Mackall }
 { M^r Robert Tyler }
 { M^r Ralph Crabb }
 { M^r Robert King }

Who make Choice of Col^o Richard Tilghman to be their Chairman And Charles Worthington their Clerk and thereupon proceed to the Subject Matter aforesaid which being fully Debated and Considered and for that the Conferrees Could not Agree upon any report to be made Relateing thereto the Conference dissolved and the Severall Members thereof returned to their Respective Houses.

Signd p Order Charles Worthington Cl.

James Bowles and Benjamin Tasker Esq^{rs} from the Upper House Deliver M^r Speaker the following Message viz.

By the Upper House of Assembly

October the 17th 1723.

p. 61 Gent.

This House does Appoint James [Bowles] and Benjamin Tasker Esq^{rs} to joyn with the Gentlemen Appointed by your House, to make an Estimate of the Charge and to treat with proper workmen for makeing the necessary Repairs in the town fences, Gate houses and Gates.

Signd p Order Sam Skippon Cl Upp. Ho.

A Bill to try all Facts in the Countys where they have L. H. J. or shall arise was read the second time and past which was so Endorst and sent to the Upper House by M^r Stoddert and nine Others.

They return and Say they delivered it.

The Petition of Rachell Freeborn and Major Sewalls Affairs About Darby are both Referred till next Sessions.

The House Adjourns till to Morrow Morning nine of the Clock.

Friday Octob^r 18th

The House Meets According to Adjournment.

Yesterdays proceedings are read.

On a motion being made the Question was put whether a Generall or Conditionall Bill shall be brought in for the relief of severall poor prisoners.

Carried by the Majority of Votes that it be Generall.

M^r Hill from the Committee of Accounts Delivers M^r Speaker the Journall of that Committee which was read and assented to and was so Endorst and sent to the Upper House by the Gent of that Committee

They Return and say they Delivered it.

James Stoddert Esq^r from the Committee appointed to Inspect into the Ancient Records of this province returns the following report which was read and Approved of and ordered to be Entred as follows viz:

The Report of the Committee Appointed to Inspect the Ancient Records of this province and Examine how farr the Laws and Generall Statutes of England have been received in the Courts of Judicature here.

Your Committee haveing informed themselves as well as the time and a Carefull Examination of the Antient Records and other Writeings would Admitt how farr the Laws and Generall Statutes of England have been received as Laws within this province since its first Settlement, find that in the Earlyest times there were as many instances of Decisions by the Generall Statutes of England (without any Objections or Opposition) As there were Cases that would be Affected by them and a Continuation of such Dicisions untill the Government was taken into the Hands of King William and Queen Mary (of Glorious memory,) and that all the time the Government Continued Immediately under the Crown as many Cases both Criminall and Civill as Came within the purview of the Statutes (which Could not be many in Com-

L. H. J. parison of those tryable by the Common Law and particular Acts of Assembly) were Determined by them which Course has been Continued ever since the Restoration of the Government to the Right Hon^{ble} the Lord proprietary except in some particular Cases where the Circumstances of this Province Rendred the form of proceedings prescribed by Some Acts of parliament Impracticable and where there have [been] some Alterations made by Acts of Assembly the people Always Claiming and Insisting on the Rights and priviledges of English and Brittish Subjects and the Laws of their Mother Country as their Indubitable right and Agreeable to the Royall Charter from King Charles the first of pious memory to the Lord proprietary.

The Evidence to prove which are four Sorts

1st The Royall Charter

2^d Acts of Assembly

3 Commissions and Instructions to Magistrates and other Officers.

4 Judiciall Proceedings Criminall and Civill

1 The Royall Charter recites that the Right Honble Cecilius Lord Prop^{ty} being Excited with a Laudable and pious Zeal for the propagation of the Christian Religion and an Enlargement of the Brittish Empire had humbly besought his Majestys Leave to transport at his Lordships Expence an Ample Colony of the English Nation into this province and mentions them as motives to his Majesty to Grant this Country to his Lordship His Majesty tho he grants his Lordship very great and Ample rights and priviledges reserves the supreme Dominion and Allegiance and Among others makes the following Conditions of the Charter viz. That all the Churches should be dedicated According to the Ecclesiasticall Law of England and that such Laws as should be made in Maryland should not be repugnant but Agreeable to the Laws of England as near as might be and to Remove all
p. 63 [doubt ?] as wee Conceive touching the rights Libertys and priviledges of the people, The Charter Contains the following remarkable Clauses viz:

And we will also and of our more Speciall Grace Enjoyn Constitute Ordain and Command that the said Province shall be of our Allegiance and that all and singular the Subjects and Liege people of us our heirs and Successors transported or to be transported into the said province, and the Children of them and of such as shall Descend from them there already born or hereafter to be born, be and shall be Denizens and Lieges of us our heirs and Successors of our Kingdom of

England & Ireland and be in all things held treated Reputed L. H. J.
and Esteemed as the Liege faithfull people of us our heirs
and Successors born within our Kingdom of England and
Likewise any Land Tenements Revenues Services and other
hereditaments whatsoever within our Kingdom of England
and Other our Dominions May Inherit or Otherways purchase
Receive take hold buy and possess and them may Occupy and
Enjoy Give Sell Alien and bequeath as likewise all Liberties
franchises and priviledges of our Kingdom of England
freely Quietly and peaceably have and possess Occupy and
Enjoy as our Liege people born or to be born within our said
Kingdom of England without the Let Molestation Vexation
trouble or Grievance of us our Heirs and Successors any
Statute Act ordinance or provision to the Contrary thereof
notwithstanding.

2 Acts. In an Act made the 19th day of March 1638 En-
tituled An Act for the Liberties of the people [is] thus Con-
tained viz.

Be it Enacted by the Lord Proprietary of this province by
and with the Advice and Approbation of the freemen of the
Same that all the Inhabitants of this Province being Chris-
tians (Slaves Excepted) shall have and Enjoy all such Rights
Libertys Immunities priviledges and free Customs within
this province as any naturall born Subjects of England hath
or Ought to have or Enjoy in the Realm of England by force
or vertue of the Common Law or Statute Law of England
(saveing in such Cases as the same are or may be Altered or
Changed by the Laws and Ordinances of this province)

And shall not be Imprisoned nor decised or Dispossessed
of their free hold goods or Chattles or be Out law'd exiled
or other wise Destroyed, fore judged or punished then Ac-
cording to the Laws of this province saveing to the Lord Pro-
prietary and his heirs all his rights and prerogatives by reason
of his domination and Seigniory over this province and the
people of the same

The same Sessions In an Act made Entituled An Act for
Erecting a Court of Admiralty is thus Contained viz:

Be it enacted by the Lord Prop^r of this province by and
with the Advice and Approbation of the freemen of the same p 64
That all Causes and matters whatsoever Maritime determin-
able in any Court of Admiralty shall be finally heard and
Determined within this province, by and before the Admirall
of the province for the time being Or-by and [before] such
Judge and Judges as the said Admirall shall Authorize to
hear and Determine the Same, or by and before such Com-

L. H. J. missioners as (in Defect or Vacancy of an Admirall) the Lord Prop^{ty} of this province shall Authorise under the great Seall to hear and Determine the same which said Admirall or Chief Commissioner shall or may Appoint A Register for recording of all matters belonging to that Office and the said Admirall Chief Judge or Chief Commissioner for the time Exercising that office and the said Register shall be a Court of Record and shall be Called the Court of Admiralty and the said Court shall or may Enjoy use and Exercise all or any the Same or the Like powers priviledges authorities and Jurisdictions within this province as the High Court of Admiralty in England enjoy or may enjoy, use and Exercise within the Realm of England, Except where it is Otherwise provided by any Law of this province.

And such Judgement shall be given in all Matters and Causes whatsoever as is most Agreeable to the Laws of this province or (in default thereof) to the Judgements which usually are or Ought to be given in the Same or in the Like Causes by the Custom or Law Merchant of England, as near as the said Admirall, Judge or Judges, Comm^r or Comm^{rs} shall be able to Determine.

And all fines forfeitures of Bonds or Recognizances [to] the Use of the Lord Prop^{ty}, Confiscations derelicts pirates or Enemies goods, goods found in or Upon the Sea or within High water mark (not having any owner Challenging the same) and all other profits and perquisites due or belonging in England, to the High Admirall of England shall be to the Use and profit of the the said Admirall (or in Vacancy of an Admirall to the use of the Lord proprietary, Except where the said profits or perquisites or any of them are Otherwise granted [in] the patent.

The same Sessions in An Act Entituled An Act for the Erecting of a County Court is thus Contained

Which said Chief Justice shall or May Appoint a Register for the recording all matters pertaining to that Office, and the said Chief Justice Comm^r or Comm^{rs} for the time being and the said Register shall be a Court of Record and shall be
 p. 65 Called the County Court and the said Court shall or may have use, Exercise, and Enjoy all or any the same, or the like powers priviledges Authorities and Jurisdictions within this province (in the Causes aforesaid) as any of the Kings Courts of Common Law in England useth or may use and Exercise within the Realm of England (Except where it is otherwise provided by any Law of this Province)

And such forms of process and proceedings upon Bill plaint or Information presentment or Indictment shall be

used and observed in this Court as are most Agreeable to L. H. J. Laws of this Province, or otherwise to the forms used and Observed in the Courts of Common Law in England in the same or the Like Causes, as near as the Judge or Register may well know them or Otherwise such forms as the said Chief Justice shall Appoint or Approve to be used and Observed Except where it is otherwise provided by any Law of this province.

And all Questions and demurrers in Law in this Court shall be determined by the said Chief Justice Commissioner or Commissioners and in all pleas and Matters Civill or Criminnall In this or any other Court within this province the Lord prop^{ty} shall be Allowed all the same and the Like prerogatives, and Royall Rights as are usually or of Right due or belonging to A Count Palatine (Saveing always the Sovereign Dominion due to the King of England.)

And such Judgement shall be given in all Cases in the Court as is most Agreeable to the Laws of this province or (in default of such Laws) to the Judgement Usually given in the same or the like Causes in the Civill Courts or Courts of Common Law in England as near as the Judge shall be able to Determine

The same Sessions in an Act made entituled an Act for the Erecting a Court of Chancery is thus Contained.

Be it Enacted by the Lord Proprietary of this province by and with the Advice and Approbation of the ffreemen of the same that all matters and Causes whatsoever determinable in the High Court of Chancery in England and all matters and Causes whatsoever Civill not provided for by any Law of this province, and all Causes whatsoever Civill (otherwise of Right belonging to any other Court within this province) wherein the Judge of such Other Court is a party (Except such Other Judge be Lieutenant Generall of the province) shall or may be finally heard and determined within this province by and before the Chancellor of this Province and Councill of State for the time being and the said Chancellor shall or may appoint a Clerk for recording of all matters belonging to that office and the said Chancellor Councell and Clerk shall be a Court of Record and be Called the Court of Chancery and shall have power to Issue and award all the same or p. 66 the Like writs, Grants pardons Commissions or Edicts as may be Issued or Awarded out of the High Court of Chancery in England and further to Enjoy use and Exercise all or any the same or the Like powers priviledges Authorities and Jurisdictions within this province as the said Court of Chan-

L. H. J. cery enjoyeth or May Enjoy use or Exercise within the Realm of England (Except where it is otherwise Provided by any Law of this province) And all writts Orriginall and all other Matters Drawn by the Clerk of this Court or in or upon Matters Determinable in the Court shall Issue in the name and with the Teste of the Lord Prop^r and the writts that shall or may be directed to the parties themselves or to the Sherrieff of the County or to any Other publick Officer named upon the writt And the most Summary forms of proceedings and Tryall shall be used in this Court as the Chancellor shall Approve or Appoint and the same or the Like Judgements shall be given in the same as are most Agreeable to the Laws of this province, or Otherwise to the Judgements Usually given in the same [or] in the Like Causes in the High Court of Chancery in England; or Otherways are most Agreeable to Right or to Equity and good Conscience (without neglecting the Law of the province) as near as the said Chancellor and Councilll shall be able to Determine.

The same Sessions In An Act made Entituled An Act for the Erecting a pretoriall is Contained as followeth.

And such forms of proceedings and tryall upon Information Indictment or Appeale shall be used [and] observed in this Court as are most Agreeable to the Law of the Province or Otherwise to forms used and Obtained in England in the same or the Like Causes as near as the said Court shall be able to Judge.

The same Sessions in An Act made Entituled An Act for the Authority of Justices of the peace is Contained as followeth.

To which purpose every of the said Judges Aforesaid Shall have power by Vertue of this Act to Grant Warrant or warrants to the Sherrieff High Constable or tithing man for the Apprehending of any party or partys offending or Complained as offenders and to administer An oath to any wittness or wittnesses and to Committ any offender to prison till he submitt himself to good order or find Security for his good Abearance, And to take & demand Recognizances to that purpose and to keep a Record of all fines and Sentences given in that behalf & to Certifie the same to his Lordships Receiver Generall or to the Reg^r of the County Court; (who shall thereupon award execution for the levying of the same and to award pcepts & take Recognizance for the peace & to doe use & exercise all or any other the same or the like powers & Juris-

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¹ Pages 67-86 of the original are missing.

dictions within this province & the limitts of his Commission L. H. J. (in Crimes & Offences ag^t the law of this province) as any Justice of the peace in England useth or of Right may or ought to use by Vertue of his Comission for the Peace.

The same Sessions In An Act made entituled An Act for the appointment of Certain Officers is Contained as followeth.

Be it Enacted by the Lord Prop^{ty} of this Province of & with the advice & approbation of the freemen of the same th^t the Lord of every Mannor within this Province after any mannor shall be erected shall yearly at the first Court Baron after Michaelmass in any year nominate & appoint some inhabitant of the mannor not being of the Counsell to be Tithing man of the Mannour who shall execute all precepts and Warrants to him directed, & shall in all things have the like power within the said Mannor as a tithing man hath or ought to have in any Mannor in England by the Law or Custome of England.

The Same Sessions in An Act made Entituled An Act for the descending of Land is Contained as followeth.

And Where any person dyeth Seized of any Land the Guardian of the Heir appointed upon the Will (if the Heir be within the age of eighteen years) May enter upon the land p. 90 and shall be accountable for the reasonable Proffits thereof to the heir when he Cometh of Age, and where any person dyeth Seized of any land without disposing thereof by will the next heir to such person to whom the land Ought to descend by the most Generall Custome or Common Law of England shall or May enter upon all the land Whereof his Ancestor dyed seized and if such next heir be not Liveing or residing within the Province the nearest heir Living within the province and Claiming the same may enter upon the land & hold it without wast or Impeachm^t untill such next heir or nearer heir make Claim.

In An Act made the 19th day of March 1638 Entituled an Act Ordaining Certain Laws for the Government of this Province is this Contained.

For the Better Government of this Province be it Enacted and Ordained by the Lord Proprietary of the same of and with the advice Assent and Approbation of all the freemen and burgesses Assembled in Assembly in Manner and form following.

Holy Church within this Province shall have all her Rights p. 91 and liberties.

L. H. J. All Inhabitants of this Province shall take One Oath of Allegiance to his Majesty.

The Lord Prop^{ry} shall have all his Rights & Prerogatives.

The Inhabitants of this Province shall have all their Rights and Liberties According to the great Charter of England.

In an Act made the. . . day of October Anno Dni 1640 Entituled an Act of Recognition of the lawfull & Undoubted Right & Title of the Right Hon^{ble} Cecilius Lord Baron of Baltemore Absolute Lord and Prop^{ry} of the Province of Maryland unto the said Province And to all Islands Ports and Creeks to the same belonging is Contained as followeth

We being bound thereunto by the Laws both of God [and] of Man do Recognize and Acknowledge Your Lordships Just Title and Right unto this Province by the Grant and Donation of the late King Charles of England Under the Great Seal of England bearing Date at Westminster the Twentieth Day of June in the Eighth Year of his Reign Anno Dni One Thousand Six hundred thirty two and Do Also recognize and Acknowledge Your Lordship to be true and Absolute Lord and Prop^{ry} of this Province And Do humbly Submit unto all power Jurisdiction and Authority Given granted and Confirmed unto Your Lordship And your Heirs in and by the said Grant and Donation and do hereby Submitt and oblige us our heirs and Posteritys for Ever until the last Drop of our Blood be Spent to maintain uphold and Defend your Lordship and your heirs Lords and Proprietaries of this Province in all the Royall Rights Jurisdictions Authoritys and Preheminencies Given Granted and Confirmed unto your Lordship by the said Grant and Donation so far as they Do not in any Sort
p. 92 Infringe or prejudice the Just and Lawfull Libertys or privileges of the free born Subjects of the Kingdom of England

In an Act made the 12th day of Aug^t 1641 Entituled An Act for measures the Wincher measure [was] established.

In an Act made the 30th day of July 1642 Entituled an Act for the forms and proceedings in Causes is Contained as followeth

Every Judge and Court Authorized or Allowed by the Lord Prop^{ry} or the Law of the Province shall or may have and use the necessary and Sufficient Power for the administration of Justice and doing or Causeing Right to be Done to all persons and appointing the formes and proceedings and according all necessary process to that End in such form and unto such Effects and under such reasonable penalties as the

Judge or Court shall think fitt Guideing them selves as near L. H. J.
as Conveniently they may to the former precedents and
usages of the Co^t and in Default thereof to the forms of
England in the same or the Like Cases Except where any
thing is specially provided for by the Law of the Province.

The same Sessions An Act made Entituled An Act made
ordering some things Touching the Tryall & Judgeing the
Causes Containes the following Clause.

The Def^t in any Cause Civil or Criminall may put himself
for Tryall upon the Judge or Court or upon his Countrey or
may wage his Law in Cases allowable by the Law of England

In An Act made the first Day of Aug^t 1642 Entituled An p. 93
Act Touching succession to Land is Contain'd as followeth

Where any one Dyeth seized of Land in fee not Disposeing
of it otherwise by his Last will the next heir shall Succeed
as hath Right by the Law of England

The same Sessions in an Act made Entituled An Act or-
daining punishing of Certain Less-Capital offences is Con-
tained as followeth

These following shall be Judged Likewise Capital offences
within this Province that is to say all offences of Homicide
Piracy Robbery Burglary Sacrilege Sorcery Rape Poligamy
and Larceny to be determined by the Judge as near as may [be]
to the Laws of England Likewise all offences of Willfull
burnings or Destroying a house or Stack of Tobacco Corn or
Hay of an other man's or of Cutting or plucking out an
others Eyes or Tongue and the offender (whether Principall
or accessory afore the offence Committed) in any of these
shall or may be Judged to suffer pains of Death or of burn-
ing in the hand or Loss of member or to Loose all his or
her Lands for Life Goods or Chattles Dignity or office or may
be out Law'd Exiled Imprisoned During Life or adjudged
to serve the Lord Prop^{ty} and his assignes for the Terme of
seven or Less years (Except he be a Gent) or may be other- p. 94
wise Corporally Corrected or put to shame as the Court shall
think the Crime to Deserve.

In An Act made the 13th day of Sep^r 1642 Entituled An
Act for Judges is Contained as followeth

Provided that the Lieutenant Gen^l of the Province or any
one of the Counsell or the Commander of the County of Kent
or in his absence the next in Commission then being in the
County may Determine and Correct any offences which are

L. H. J. or may be Determined and Corrected by a Justice of the peace in England Any thing in this Act notwithstanding

The same sessions in an Act made Entituled An Act for Rule of Judicature is Contained as followeth.

Right and Justice in all Civill Causes shall be Determined according to the Law or most Gen^t useage of the Province since its plantation to be Determined by the Judge and in Defect of such Law and Useage their Right and Justice shall be Determined according To Equity and Good Conscience not neglecting (so far as the Judge shall be Informed thereof and shall find no Inconveniency in the application to this province) the Rules by which Right and Justice useth and ought to be Determined in England in the same or the like Cases.

The same sessions In An Act made Entituled an Act for the forms of Proceedings in Causes is Contained as followeth

p. 95 The Chief Judge in Commission of Every Court shall and may Have and use all necessary and sufficient power for the Administration of Justice and Doeing or Causeing Right to be done to all persons in all Causes within Cogniz^a of the Court and appointing the forms and means of it and Awarding all necessary process to that End in such form and unto such Effects as the Judge shall think fitt guideing them selves as near as Conveniently they may to the former precedents and useages of the Co^t and in Defect thereof to the formes in England in the same or the Like Cases Except where any thing is Especially Provided for by the Law of the Province.

The same sessions In an Act Entituled an Act ordering some things touching the Tryall and Judgeing of Causes is Contained as followeth

The Def^t in any Cause Civill or Criminall may put him self for Tryall upon the Judge or Co^t or upon his Countrey or may wage his Law in Cases allowable by the Law of England

The same Sessions in An Act made Entituled An Act made Touching Succession to Land is Contained as followeth.

Where any one Dyeth Seized of Land in fee not Disposeing of it otherwise by his Last will the next heir shall succeed as hath Right by the Law of England.

The same Sessions In An Act Intituled An Act ordaining punishm^t for Certain greater Capital offences is Contained as followeth

All offences of Treason by the Stat. 25 Edw: Cap: 2^d done L. H. J. within this province shall be punished as Treason useth to be in England.

All offences of wilfull murther by the Law of England shall be punished as Wilfull murther useth to be in England

The same Sessions in An Act made Intituled An Act for the punishment of certain Less Capital Offences is Contained p. 96 as followeth

These following shall be adjudged Capital offences within This Province that is to say all offences of Homicide Piracy Robbery Burglary Sacriledge Sodomy Sorcery Rape and Larceny to be Determined by the Judge as near as may be to the Laws of England

In An Act made the 20th day of October Anno 1678 Entituled an Act for the better Administration of Justice In the County Courts of this province is Contain'd as followeth.

For the Administration of Justice and Regulation of County Courts Be it Enacted by the Right Hon^{ble} the Lord Prop^{ty} By and with the advice and Consent of the Upper and Lower houses of Assembly and the Authority of the same that the Statute Books of England to these Times named Keebles Abridgem^t of the Statutes and Daltons Justice of the peace be bought by the Justices of the Peace or Commissioners of the Severall County Courts att the Charge of the Respective Countys to be kept in their Severall County Courts that the Justices and officers of the said Courts and Others may have Recourse to the same as they shall have occasion and that the said Justices of the said Court do purchase and procure the same by the first Day of Jan^{ry} in the year of our Lord 1679

The same Provision was made by an Act made in the year 1692 and the Country hath never been without a Law to the same purpose

An Act for the more Speedy bringing to Tryall and Suppressing Criminalls and Limiting their punishm^{ts} for Certain offences when Prosecuted in the County Co^{ts}

p. 97

Whereas the Severity of the Laws of England ag^t all Thieveing Stealing and purloyning are very suitable to that and all other populous Kingdoms But not agreeable to the Nature and Constitution of this Province so Meanly and Thinly Inhabited and Whereas according to the Laws of England all or most Crimes above petty Larceny are punishable by Loss of Member burning in the hand or forehead cropping of Ears or pains of Death besides Confiscation of

- L. H. J. Estate, And the Courts of this Province hitherto having followed the Rules practices and Laws of England in the Judgem^t ag^t and Condemnaⁿ of Criminals being too Rigorous a practice and punishm^t for this Province to Exact and Imitate Touching Many offenders guilty of the offences hereafter mentioned by means whereof all prosecutions against offenders tho' many times for small Crimes and offences and of small value have been hither to drawn and brought to the provinciall Court of this province the Justices whereof have only power of Life and member to the very Great Vexation & Trouble of the Good peopell of this Province a greater part of the Province Liveing so remote from the provin^l Court that they many times forbear to prosecute Offenders by reason of the Excesive Charges of Comeing to the Pro^l Court and bringing their wittnesses to Prosecute so that the
- p. 98 Offenders many times Go unpunished to the Great Encouragement of Malefactors and for that also the Provin^l Courts are not Held above three or four Times in the Year Speedy Justice for small Crimes is deferred and the partys accused many times lay a long time in Prison before their tryal to the very great charge of the party which may be in this tryal acquitted or If Convicted the Charge many times falls on the County to the Great Burthen of this Province for Prevention whereof for the future be it Enacted by the right Hon^{ble} the Lord Prop^{ry} by and wth the advice and Consent of the Upper and Lower Houses of this Present Gen^l Assembly and the authority of the same That it shall and may be lawfull to and for the sever^l and Respective Justices or Commissioners of the severall and respective Counties wth in this Province in their Severall and respective County Courts to hear and Determine all Theiveings or Stealings whatsoever Robbery burglary & house breaking only Excepted whether it be of any horse Mare Guilding Colt Cow Calf Ox & Bull Stear rams ewes or Lams Goats or Hoggs Piggs of any manner of Poultry or other Goods or Chattells whatsoever not Exceeding one Thousand pounds of Tob and All & all manner of Persons thereof Lawfully Convicted by Due Course of Law in any of the County Courts Af^d shall or may Cause to be punnisht
- p. 99 by whipping or Pilloring or both as the Justices before whom such Conviction shall happen to be shall think most agreeable to the Demerit of the offender any Law Statute or useage to the Contrary notwithstanding And be it further Enacted by the Authority afs^d that any offender theiveing or Stealing as afs^d that shall be Convicted thereof by confession of the party or by one Sufficient or Lawfull Witness or Evidence not being the party Injured or Damnified shall restore four fold to the owner of the Thing or goods so Stolen or purloyned as

afs^d the value thereof to be adjudged by the Co^t where and L. H. J. when the offender shall be convicted as afs^d any Law Statute or useage to the Contrary notwithstanding Provided alwaise that all Convictions as afs^d be upon and by a verdict of Twelve Lawfull Men of the vicinity or neighbourhood or Otherwise Nevertheless Provided that when any person or persons whatsoever shall at any time hereafter hapen to be accused or Convicted as afs^d of any of the Crimes aforesaid in any of the County Co^{ts} afs^d to the value of not above one thousand pounds of Tob^o and shall afterwards hapen to Committ the Like Crime to th^t value The Justices of the severall County Courts shall have power to hold plea of the second offence but if the party shall happen the third time to Comitt the like Crime then the Justices of the sev^l Co^{ty} Courts shall not have Power to p. 100 hold plea thereof but shall Comitt the said party accused to Prison till he find bayle if by Law baylable to answer his Crime att the provinciall Court of this province who are to proceed ag^t such Criminall according to the Law of England and the Justices of the said County Courts are to bind over the partys Prosecutors to prosecute att the said Provinciall Court and to Send a Transcript of the Record of the first and second Convictions of the said Criminalls under the Seale of the said County Court to the End the Justices of the Provinciall Court may apportion such punishment as the Third offence of such person Criminal shall Justly deserve and the Law will allow of Provided also that the Justices of the County Courts altho they have power to put offenders into the Pilory as aforesaid yet they shall not have power to Cropp their Ears or Mutilate any Member

3 Commissions

A Commission Granted from the Lord Prop^{ry} to his broth Leonard Calvert Esq^r Then Governour of Maryland Dated the Eleventh of Aug^t 1638 part whereof is Entered in the p. 101 words following viz.

Dear Brother.

I Do hereby give you full power and Authority from time to time in Every Gen^l Assembly summoned by you in the province of Maryland in my name to give assent unto such Laws as you shall think fitt and Necessary for the Good Government

Provided that the said Laws so to be Assented unto by you in my name be as near as Conveniently may be agreeable and not Contrary to the Laws of England

A Commission from the Right Hon^{ble} Cecilius Late Lord Prop^{ry} of this province To Leonard Calvert Esq^r his then

- L. H. J. Lieutenant Gen^l bearing date the fourth day of Sep^r 1642 amongst other things provided that the Laws to be assented unto by the said Lieutenant Gen^l Chief Justice and Chief Magistrate there in his Lordships name should be as near
 p. 102 as Conveniently might be agreeable and not Contrary to the Law of England and to punish all offenders not Contrary to but agreeable to the Laws of England.

A Commission of the Peace from the Lord Prop^{ty} Dated the 10th of May 1658 to John Hatch James Lindsey Henry Adams Edward Parks James Walker and Robert Hunly wherein they are Empowered to Enquire by the oath of good and Lawfull men of their County of all manner of felonys Witchcrafts Inchantm^{ts} Sorceries Maject acts Trespasses forstallings Engrossings and Extortions whatsoever and of all and singular other Misdeeds and offences of which Justices of the peace in England might or ought Lawfully to Enquire by whomsoever or wheresoever Don or perpetrated or which thereafter should hapen to be Don or perpetrated in the County afs^d

Commission Dated the 14th March 1677 of Oyer and Terminer from the Lord Prop^{ty} to Rob^t Carville Walter Hall John Darnall and Garret Vansweringen Empowering them to hear and Determine according to the Laws and Customes of the Kingdome of England and This Province

- p. 103 Comission from Thomas Notley Esq^r Lieutenant Governour to Philip Calvert Esq^r and others to hear and determine all offences according to the Laws of England & this Province dated October 1676.

Comission dated 18th March 1685 To James Pattison and Garret Vansweringen Impowering them to proceed here and determine all Breaches of the Acts of trade and all other Acts Relating to his Majesties Customs according to the Laws of England.

Judicial Proceedings

At a Provincial Court held the sixth day of february 1642 is Contained as followeth.

Present { Gov^r }
 { Secretary }

Lib^r E } Was called to the barr John Ebkin who held up
 fo. 78 } his hand & was arraigned of the felony and murther
 Whereof he was Indicted, to which arraignment he pleaded
 not Guilty and for Tryall put himself upon God & the Country.

Then the Sherrieff Returned his Writt and were Impan-

neled and sworn (the prisoner making noe Challenge to any of L. H. J. them)

David Whitcliff	Robert Kedger	Rob ^t Nicholls	Jos: Edloe
George Pye	W ^m Asiter	W ^m Hardige	Jn ^o Halfhead
Arthur C. Hay	Christ ^f Carnoll	W ^m Hoskins	Gerrard Ford.

And his Lordships Attorney Gave in Evidence the Examination of John Ebkin signed, with his own hand wherein he Confessed he Killed the Indian, and related the manner of it; and he Confessed the said Examination to be True, and that it was Signed by his own hand.

And the Jury Returned not Guilty but Explaining that they delivered that Verdict because they understood the fact not to have been Comitted against his Lordships Peace, or [the] Kings because the Party was a Pagan, and because they had no precedent, in the neighbour Coloney of Virginia to make such facts Murther. The Governour Satisfied them that Indians were in the Peace of the King and his Lordship, and that they ought not to take notice of What other Colonies did but of the Law of England &c. And thereupon dismissed them p. 104 to Consider better of it, And thus they Returned that they found him Guilty of Murther in his own defence & being told that this implied a Contradiction, they Returned to Consider better of it. And then they Returned for their Verdict that they found that he Killed the Indian in his own defence.

And the Governour Willed that the Verdict be not entred but that another Jury be Charged to Enquire and try by the same Evidence

At a Provinciaill Court held January 1665 Proclamation as in England.

Same Court William Key indicted for a Rape and Indictment Contra formam Statuti.

In 1666 Elegit moved for and Granted, Smith Vers: Price

At a Provinciaill Court held 4th December 1669 Ione Colledge was Indicted and Convicted on the Statute 21 Jac 1. Cap: 27.

At October Provinciaill Court 1670 Peter Key was Indicted for Picking Lodowick Martins Pockett

Indictment laid, clamet Secrete and Concluded Contra formam Statuti.

The same Court Toby Wells was Indicted on the Statute of forgery and Conclusion Contra formam Statuti.

At Aprill Provinciaill Court 1671, James Sall Robert Warry, Robert Spear and two negroes were Indicted for petit treason

L. H. J. in Killing their master John Hawkins and all of them except one of the negroes Convict and Executed.

The same Court, Isabell Yangley Indicted for Concealing her bastard Sur Statute Jac. Convict & Executed.

At a Provinciaall Court, held the 17th of October 1671 Humphrey Jones for a Rape and Indictment Contra formam Statuti

The same Court Mary Steavens for Concealing her bastard and Indictment Contra formam Statuti.

p. 105 At Aprill Provintiall Court 1672 Indictment Against Toby Miles for keeping a Dog accustomed to bite in haec Verba

The Jurors for the Right Hon^{ble} the Lord Prop^{ty} on their Oaths doe Present that Whereas by the Custome & Law of England, Every man is always bound Safely & Securely to Keep his Chattell Cattle & Chatells leas by such living creatures & Chattells damage may any wise happen to his Neighbours, nevertheless, one Tobias Miles of the Clifts in the County of Calvert the Law and Custome aforesaid not Regarding the sixth day of May in the year of our Lord 1671 at the Clifts in the County af^d Knowing a Certain Dog accustomed to bite men, and soe negligently & Unduly did Keep that Dog that the said Dog the sixth day of May in the Year af^d did Grieveously bite and Sorely wound one Sarah Carr of the Clifts in the County af^d upon the arms and other Parts of her body to the great Damage of her the said Sarah Carr and against the Peace of the Lord Prop^{ty} his Rule and Dignity.

At a Provintiall Court 1670 a Declaration, Hooper against Burgess and others for a breach of Magna Charta & Damages assessed.

Henry Hooper	}	William Burgess late of South River in the County of Ann Arundell Gent: and Samuell Chew late of in the said County of Ann Arundell were Attached to answer unto Henry Hooper of Plea of trespass upon the Case.
a W ^m Burges & al		

And Whereas the said Henry by John Morecraft his Attorney Complaineth that Whereas by the Statute of Magna Charta Chapter the Twenty ninth made in the ninth Year of the Reign of King Henry the Third It is Contained that noe freeman shall be taken imprisoned or Disseised of his freehold or his liberties or his free Customs, or outlawed or banished, or by any means Destroyed, neither will we goe upon him, neither will we send upon him Except by legal Judgment of his Equals or by the law of the land, We will sell to none, We will deny or delay to none Justice or Right and the

said Henry Saith that Whereas the said Henry was by L. H. J Vertue of Certain letters of Administration the twenty p. 106 first day of February in the one & Thirtieth year of the Dominion of Cecilius &c Annoq Dom. one Thousand Six hundred Sixty Two under the lesser Seal of this Province by Henry Sewell Chieff Officer for the Probate of Wills and granting Administration, within the said Province lawfully Constituted and appointed To the said Henry Hooper Comitted & appointed Administrator of the Goods & Chattells of Richard Gott deceased Whereby the said Henry Hooper became Lawfully Invested With the said estate as is af^d they the said William Burges Thomas Taylor and Samuel Chew together with Richard Ewen the nineteenth day of November in the thirty fifth Year of the Dominion of Cecilius &c Annoq Dom one Thousand Six hundred Sixty Six by force and arms to the house of the said Richard at Herring Creek in the County of Ann Arundell in a Menacing Manner Came by Pretence and Colour of an order of Court to Impower them to Come here and to require an Account of the Estate of the said Richard Gott of and from the said Henry Which the said Henry refusing to give them unless they the said William Burges Thomas Taylor and Samuel Chew would shew him their Comission to authorise them thereunto did give order to John Ewen to take out of the Possession of the said Henry the said estate which by their increase was come to the number of Sixty head of Cattle Which were then in the Possession of the said Henry without any Leagal tryal therefore had or by any Law or Comission Contrary to the form and effect of the said Act of Magna Charta out of the Possession of the said Henry did take and wrest in Contempt of the said Act, as by the said Act it doth at large more appear to the great damage of the said Henry, Whereupon he Sayeth he is damnified and hath Loss to the Value of fifty Thousand pounds of Tobacco and thereupon he bringeth this Suit; And the said Henry doth bring into Court here the said Letters of Administration that it may Appear to the Court that he hath the Administration thereof.

Damages assed for the P^t to forty five Thousand and nine hundred and fifty pounds of Tobacco.

In ffebruary Provintiall Court 1670 a fine Levyed by Daniel p. 107 Jeniefer to Thomas Smith and by Thomas Smith to Walter Taylor and William Racey.

Aprill Court 1688, Indictment against Joseph Aspernen for a Rape and Conclusion Contra formam Statuti.

L. H. J. March Provtiall Court 1683 Indicted for bigamy and Indictment Concluded Contra Recit formam Statuti.

The same Court Gillim Neall for Concealing her bastard according to the Records of the Statute 21. Jac. Chap. 27:

In february Provtiall Court 1684 Elizabeth Barton indicted for the like offence and indictment ut ante

In the Court 1685 Indictment for Petit Treason against Mary Jones in Killing Ann Roe her mistress.

Same Court James Symonds and others Indicted for taking and Conveying away Sophia Bedle (who had Lands and Tenements Goods and Chattells of 500^l Sterling Value and being a Single Woman) Without the Will of her Guardian on the Statute of 5: H: 7: Cap: 2 and Conclusion Contra formam Statuti

Same Court Rebecca Fowler for Witchcraft and Conclusion Contra formam Statuti.

In May Court 1686 Hannah Edwards indicted for the same and Indictment Concluded Ut ante

Same Court Richard Royston for forgery and Indictment Concluded against the form of the Statute.

In September Court 1687 Joseph Emeritt Indicted for petit Treason.

The same Court Long Tom the Indian for a Rape and indictment Contra formam Statuti.

Comissions & Proceedings when the Government was
in the Crown.

p. 108 In Aprill Court 1692, Rebecca Sanders was Indicted and Convicted on the Statute of 21: Ja 1. Cap. 27

Comission to the Justices of the Provtiall Court dated 26: September 1692 to Proceed here and determine According to the laws and Statutes of England The like Comission dated 30th September the same year The like Comission dated 2^d May 1694 Like Comission dated 11th Aprill 1699.

Indictment Henry Laurence for a forceable Detainer upon the Statute 8. Hen. 6. In September 1703.

Thomas Sweringen was 15th May 1704 Indicted for forgery on the Statute of 5 Elizabeth Cap. 14.

Same Court Richard James for Bigamy.

The foregoing [Instances] of Commissions to Magistrates Whereby they were Impowered and Required to Act According to the Laws and Statutes of England, and of the Indictments founded on Acts of Parliament While the Government

was under the Crown, Your Committee thought Sufficient to L. H. J. Shew that the usage hath been as already mentioned, in Regard that the practice for that Whole time is soe well known to every one that has been a Juditall or Ministerial Officer Or hath had any thing to doe in the Courts of Law and we are of Opinion that the Addition of any thing more in a Case soe very Clear Would Rather be troublesome then Necessary.

Your Committee beg leave to Observe that Severall Records and other Writings were lost in the Time of the Revolution in removeing the records from S^t Maries hither, and When the State house was burnt, Which we beleive to have Contained Severall things, to the Present Purpose, and even in the Books we have inspected, We make no question but there are Severall things Very materiall which we have Overlooked Yet we hope that what we have Collected, Will be Sufficient to evince, that as well the Governours as the people Governed Within this Province since it's first Settlement, or at least ever since we Can find any foot Steps of Assemblys p. 109 or Judicial Proceedings, deemed the General Statutes of England to have the force of Laws in Maryland, and your Committee Conceive it Plain and evident from the reason and nature of the things that it Could not be otherwise, ffor as the first Inhabitants of the Country were Brittaines, and maney of them transplanted themselves at a great expence, and run the Greatest hazards to become more Usefull to their Mother Country and were Encouraged thereto as well by the Royal Charter Which fully declares (if such a Declaration were necessary) that they and their Posterity Should retain all the Rights and Liberties of English men as the Publick Declarations made by the Lord Prop^{ty} to induce people to come into the Province, and all these things frequently Recognized by the Lords Proprietors themselves by assenting to several Declaratory Acts of Assembly of those rights and liberties it would (we Conceive) be very Strange and unreasonable, and most Miserable Would our Case be, if freemen by Runing such Risques and becomeing beneficiall to their Mother Country, Should be in Worse Circumstances than their fellow Subjects and denyed to participate with them in those things that are equally their birth Rights and be in a State of Slavery (as the Case must undoubtedly be of any People that have not the means of Preserving their Liberties) and it would be a great Absurdity to advance that we are intituled to all the Rights and Liberties of British Subjects and that we Can't have the Benefite of the Laws by which those Rights and Liberties are Reserved.

A Bill for the relief of Sundry poor prisoners was read

L. H. J. the first and second Times by especiall order and past Which was so endorst and sent to the Upper House by M^r Sherwood & M^r Dunn

They return & say they delivered it.

An engrost Bill for Encouragement of Learning was read and assented to and was so endorst & sent to the Upper House by M^r King & M^r Warfield.

They returned and say they delivered it.

p. 110 Col^o Holland from the Upper House delivers M^r Speaker a Bill giving Encouragement to make Hemp Within this Province thus endorst (viz)

By the Upper House of Assembly

Oct^r the 18th 1723.

Read the first and second Times by especiall Order and will pass.

Signed p order Sam^l Skippon Cl Up Ho.

Which was read in this House the first and second times by especiall Order and the Question being put Wheather the same shall pass or not, It is carried in the Affirmative and thereupon the Bill is past and Sent to the Comittee of Laws to be engrost.

An engrost Bill for relief of Ann Arundell County was read & assented to and was so endorst and sent to the upper House by M^r Beale and M^r Humphreys.

They return and say they Delivered it

A Bill to restrain the ill practice of entring Caveats in the Land Office was read and the Question being put Wheather there shall be a Bill or not,

It passed in the negative.

Col Young from the upper House delivers M^r Speaker the Bill for relief of sundrey poor prisoners thus endorst

By the Upper House of Assembly

Octo^r the 18th 1723

Read and Will Pass.

Signed p Order. Sam^l Skippon Cl Up. Ho.

Thereupon it past for engrosing.

Col^o Addison and three more from the Upper House De-

liver M^r Speaker the Bill to try all matters of Fact in the L. H. J. Severall Counties thus endorst Viz.

By the upper House of Assembly

Octo^r the 18th 1723.

This Bill being read will pass with the ffollowing Amendments (Viz.)

1st Two Justices of the Provincia^l Court for Each side of the Bay such as the Governour for the Time being shall ^{p. 111} think fit to appoint shall be justices of Assize nisi prius & Justices of Oyer and Terminer and Goal Delivery and that the said Two Justices or Either of them in Case of Sickness or Other Inability.

2^{dly} And be it enacted by the authority a^d that that part of an Act of Assembly intituled an Act causing grand and petit Jurors to Come to the Provintia^l Courts and ascertaining their Allowances made at a sessions of Assembly begun and held at the City of Annapolis the Twenty Sixth day of Aprill Anno Domini Seventeen hundred and fifteen which relates to the sumoning grand and petit Jurors to Attend at the Provintia^l Court be and is hereby repealed and made Voyd.

Signed p Order Sam^l Skippon Cl. Up. Ho.

With which this House Concurr^s and thereupon the Bill is committed for Amendment Accordingly.

Ja^s Bowles Esq^r from the Upper House Delivers M^r Speaker the following Report Viz.

To the Hon^{ble} Members of the Upper and Lower Houses of Assembly.

In Pursuance of an Act of Assembly made the last Sessions for repairing the Damages already sustain'd in the Publick Records of this Province Wherein we the Subscribers are impowered and appointed (together with Thomas Bordley Esq^r) Comissioners to inspect into the severall Decays and Defects of all Records in the Land Secretary's and Comisary's Offices, and for the Reparations and Amendments of such Records therein as We should Judge necessary to contract and agree with such person or persons as should undertake to transcribe or repair the same,

We Certifie that we have proceeded to View and Examine ^{p. 112} into the State of the said Records and for the effectual transcribing & perfecting such Records in the said Offices as require the Same Upon the Application of Vachel Denton and Edward Griffith of the City of Annapolis Clerks (who are

L. H. J. Very ready and willing to give such reasonable Security for the faithfull Discharge of their Duty in that part as We shall think requisite to require of them) and upon their proposalls to us, have considered and approved thereof, and Accordingly on behalf of the publick by Vertue of the Act af^d We have contracted and Agreed with them the said Vachel Denton and Edward Griffith for the transcribing new Alphabetting and carefully Examining such Records as we shall think requisite from Time to time to deliver them at the rate of Three pence Curr^t money of Maryland p side, for Every side they the said Vachel Denton and Edward Griffith or Either of them shall Transcribe or Cause to be transcribed of the said Records (to be computed According to the common Computation established by a Law of this Province and known and practised among Officers) untill the same shall be Compleated and Ended, Which Three pence p side Wee find by the Act of Assembly af^d is to be paid by the Publick and therefore Wee propose that the same shall be ordered unto them the said Vachel Denton and Edward Griffith in the hands of the Publick Treasurers of this Province for the time being and paid the said Denton or Griffith accordingly by Quarterly or half Year payments, on their Makeing appear to us the Number of sides they or Either of them have or hath Transcribed or Caused to be so done within such Quarter or half years Time.

p. 113 All which at the Prayer of the said Vachel Denton and Edward Griffith Wee Certifie, in order that the same (or at least the substance thereof) may be entred on the Journalls of this Sessions, and Sanctioned by both Houses Accordingly, as a Foundation for, and certain Rule to them the said Vachel Denton and Edward Griffith in proceeding to the faithfull Discharge of the Trust reposed in them by the Agreement af^d The Execution Whereof Wee humbly conceive to be a matter of great Consequence to the Country and are

Your Honours Most humble Servants

Sam^l Young
Benj^a Tasker
John Beale
D. Dulany

Which report was endorst by the upper House as follows
Viz.

By the Upper House of Assembly Octo^r 18th 1723.

The Within Report has been read and is agreed to by this House

Signed p Order Sam^l Skippon Cl Up. Ho.

Which Report was also read and agreed to by this House. L. H. J.

M^r Dulany is allowed One pound five Shillings Currant money for a Ream of paper for the use of the Publick.

The House adjourns till to-morrow Morning nine of the Clock.

Saturday Oct^r the 19th 1723

The House meets According to Adjournment. Yesterdays proceedings are read.

An engrost Bill for the encourageing the makeing of Hemp ^{p. 114} within this Province & An engrost Bill for the Relief of Sundry poor prisoners were severally read and assented to and were so endorst and sent to the upper House by M^r Sherwood and M^r Hopkins.

They return and Say they delivered them

Col. Young and two others from the upper House deliver M^r Speaker the following Message (Viz)

By the Upper House of Assembly Oct^r 18. 1723
Gentlemen.

On reading the report of the Conferrees Appointed to Confer about the usuall Allowances to be made to the Members of his Lordships Hon^{ble} Council for their Attendance as a Council of State, Wee find that you still persist in your resolutions not to make any such Allowances, Which has Occasioned us again to peruse your Messages relating thereto and Consider the reasons you have therein Given for such Resolution, Whereupon We Observe that you mention a Law in the Year 1670/1 for laying a Duty of Two Shillings ^{p hh^d} on Tobacco exported out of this Province one Shilling Whereof was given to his Lordship for the Support of Government and for allowing convenient Sallaries to his Privey Council, Which was again continued in the year 1674 & 1678 for the same uses and you further allege that by the Late Act made in the year 1717 One Shilling ^{p hh^d} was raised for maintaining his Lord^{pps} Liev^t Governour for the Time being, and for such other necessary uses Towards the Support of Government as to his Lord^{pp} should seem meet, from whence you inferr that the one Shilling ^{p hh^d} Anno 1717 ought to be applyed to the same uses as th^t in Anno 1670/1 & conclude that his Lordship is obliged to Maintain his Council out of the Aforesaid one Shilling ^{p hh^d}.

We Cannot but think you are much mistaken in your argument and consequently in your Conclusion; for to have Recourse to a Law made forty or fifty years agoe to explain a ^{p. 115}

L. H. J. Law lately made without having regard to severall Laws intervening relating to the same duty, but under different applications, must certainly be an erroneous Way of Proceeding. We therefore take the Liberty in the best manner We can to State the Case as We conceive it to be, as follows Viz. the Law made in the year 1670, 1 first rais'd the one Shilling p^h payable to the Lord Prop^r for the Support of Government and for the payment of Sallaries to the Councill & for maintaining a Magazine in this Province which Law Stood Continued from Time to Time till the Year 1692 when the Government was under the Administration of the Crown, and then a Law was made for raising fourteen pence p^h Ton on all such Ships or Vessells Trading Within this Province out of Which a standing Sallary of Thirty pounds p^h annum was to be Allowed to all such Counsellours as did not hold any place of profit in the Government; and likewise another Law for raiseing the one Shilling p^h af^d and applying it to other uses in the Government. For it would not be supposed that any part of it was intended for the Support of the Councill when they were provided for by another Law; but upon the makeing of the Law for applying the fourteen pence p^h Ton Toward the Support of the Councill, and for defraying other Charges in Government my Lord Prop^r who knew he had a right to the fourteen pence p^h Ton by his Prerogative (as we are informed) Applied himself to the King and Councill in England and procured an Order to have the fourteen pence p^h Ton restored to him Again & has ever since recovered it to his own proper use by which means the Councill became destitute of any Allowance, the one shilling p^h being before applied Another way, as has been before observed. Upon this the Legislature took their Case into Consideration & made them an Allowance in the Publick Levy which has been done annually ever since for above thirty years past and the one shilling p^h was annually apply'd to Other uses in The Government According to the Directions in the Law made in 1692 af^d and Other Laws to the same purpose untill the year 1715 after the Government was again restored to the Lord Prop^r in which Year an Act of Assembly was again made which advanced the af^d one shilling p^h to fifteen pence p^h Three pence of it to be applyed towards the Support of a Magazine and the other Twelve pence to the then Governour for his own proper use. Thus the one Shilling p^h was applyed solely for the Support of a Governour & only thought sufficient for that purpose Exclusive of any Other Application, but the Lord Prop^r after some time being dissatisfied that the Sallary of his Governour should be paid to himself, independent of his Lord^{sh} & Knowing the ill Consequences that

might ensue thereon directed his then Governour to cause L. H. J. the revenue Bill to be again reenacted and the one Shilling p^{hh}^d directed to be paid to his Lordship for the Support of his Governour and for such other uses towards the support of Government as his Lordship in his discretion should think meet to apply the same which was Accordingly reenacted in the year 1717 and again revived this present Sessions of Assembly. The Case being thus truly Stated, We appeal to the Judgement of any impartiall person Whether the Councill can justly Claim any part of the af^d one Shilling p^{hh}^d for as the Law made in the Year 1692 repealed all the former Laws for raising the af^d One Shilling p^{hh}^d and applyed it to other uses exclusive of any Support for the Councill who were then provided for by another Law as af^d and after the Dissent to that Law by an anuall Allowance in the publick Levy ever since Continued, and the Law in 1715 applied it solely to the use of the then Governour and the Law in 1717 to the Lord Prop^{ry} for the Support of a Governour & to such Other uses in the Government as his Lordship should think meet without ever mentioning or having any regard to the Councill the Lord Prop^{ry} cannot be supposed to have any Knowledge that the Upper and Lower Houses of Assembly at the Time of making the af^d Laws intended the Councill should be Supported out of the af^d One Shilling p^{hh}^d nor can your House have any reason to Expect that his Lordship has made any better bargain with his present Governour than the whole Legislature of this Province did for him with his former Governour to whome they Gave the whole one Shilling p^{hh}^d and if he has not, there is nothing remaining to Support his Councill, but if he has his Lordship may apply the remaining part to any Other uses in Government as he pleases, and it Cannot be expected that he should make any reserve out of it for his Councill when he is not Obliged to do it nor does know that it is Expected from him p. 117

We hope upon a further Consideration of the Justice of our Claimes you will Consent to make us Such Allowances as We have heretofore had, but if you persist in your former Resolution, as you think it reasonable We should serve his Lordship and the Country at our own private Expence We cannot but think it as reasonable that you should do the same, and therefore propose that if your House will remit your Allowances this Year for your Attendances we will remitt ours, by which means we will plainly and impartially demonstrate our Inclination to save the Country's money without Making Examples of any particular persons.

Signed p Order Sam^l Skippon Cl Up Ho.

L. H. J. In Answer whereto the following Message is prepared
(Viz)

By the Lower House of Assembly

October the 19th 1723

May it Please Your Hon^{rs}

In Answer to your Message this day by Col Young and Two others of your Members We Cannot recede from our former Resolutions relating to the Councell^s Allowances for the reasons mentioned in our Message of the 14th Instant by M^r Beale and five others

Signed p Order M. Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Hill and five others They return & say they Delivered it.

p. 119 On reading the Report of the Committee appointed to View
the Publick Records the following Message is prepared (Viz)

By the Lower House of Assembly October the 19th 1723

May it Please Your Hon^{rs}

Wee Agree with the Report of the Committee Appointed to View the publick Records and that the Quarterly or half years payments be Ordered by the Comissioners on the Treasurers According to that report.

Signed p Order M. Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Courts and Maj^r Maldin They return and Say they delivered it

Resolved that the Allowances to M^r Edward Griffith for his Services this Sessions be made equall to the Allowances p day to the Cl of the Committee of Laws.

The Report of the Committee appointed to agree with proper Workmen to build a Gate house and to repair the Fences brought in by M^r Crabb was read and ordered to be Enacted as follows Viz.

The Report of the Committee appointed Oct^r the 17th 1723 to Agree with proper Workmen to build a Gate house and repair the Town Fence.

Present

of the Up^r House { James Bowles } Esq^{rs}
Benj. Tasker }

of the Lower House { Mr Ralph Crabb
Mr John Courts
Mr John Chaires
&
Cap^t Jos. Harrison

This Comittee haveing treated with proper Workmen do L. H. J. find the Lowest demand for building and Compleatly finishing a Gate House in the Manner & of the Dimentions Frame and Scantleing hereto Annexed to be one hundred and forty p. 120 pounds the undertaker to finish the same by the last Day of May next.

Its likewise offered to this Comittee by Thomas Jobson to procure good new Loggs for Two pence p Logg and to repair the Town Fence with them pursuant to the Report of the Comittee appointed the 14th Instant to inspect the same for forty Shillings and to Compleat the same by the Last of March next all which is referred to the House for their Consideration.

The House is to be Thirty Two foot Long fifteen feet wide and Twelve feet in pitch underpined with brick or Stone the Cells rais'd Two foot from the Ground An Out side brick Chimney with Two fire places the Rooms above and below Lime plastered, a sash Window in Each Room below Two foot broad and four deep one Window in Each gable End above Eighteen Inches broad and Thirty six deep The fflowes to be laid with good Inch pine plank the Pasidge Through the Gates to be Twelve foot wide & Locust or Cedar Sparrs on each side, Stare Case and doors proper for such an House Cells Sleepers and Posts of Cedar or Locust, The Plates joists and Other framing of Sawed pine or White Oake to be Weather boarded with good Inch pine planke Shingled with Cypress on inch Laths of White Oak the Shingles not less than three Quarters of an Inch thick.

And to repair the Old Cellar.

4 Cells 12 foot long 12 by 9	Q ^{ty} of feet	77	p. 121
4 Cells 15 foot long 12 by 9		105	
14 Sleepers 15 foot long 7 by 5		180	
8 Posts 12 foot long 9 by 11		160	
2 plats 32 foot long 7 by 8		75	
18 Joists 17 foot long 5 by 7		324	
18 p ^r Rafters 12 foot long 8 by 4		192	
100 Studds 12 foot long		700	

2091

With which this House Concurrss and Thereupon Capt. Original Joseph Harrison Undertakes to build and Compleatly finish p. 87 a Gate house as proposed in that Report for one hundred and ten pounds Current Money, and as to the fence this House is

L. H. J. willing that Thomas Jobson should buy the Loggs and set up the fence and be Allowed According to that Report.

Whereupon the following Message is prepared Viz.

By the Lower House of Assembly. Octob^r the 19th 1723
May it please Your Honours

We have read the report of the Committee appointed to Agree with proper Workmen for the building a Gate house and repairing the town fence and Concurr therewith and Cap^t Joseph Harrison is willing to Undertake the building of the House and to finish the same Compleatly According to that Report for one hundred and ten pounds Current money and as to the town fence we are willing that Thomas Jobson should buy the Loggs Set up the fence and be Allowed According to that Report, with which if your Honours Concurr the persons may proceed thereon

Sign'd p Order M. Jenifer Cl Lo Ho.

Which was Sent to the Upper House by the Gent of that Committee. They return and Say they delivered it.

John Rousby Esq^r from the Upper House Delivers M^r Speaker the Petition of Richard Young Late Gate Keeper thus Endorst viz:

By the Upper House of Assembly. Octob^r the 19th 1723.

The within Petition relateing to a Matter purely lyeing before the Lower House of Assembly is refferred to their Consideration.

Signd p Order Sam Skippon Cl Up Ho.

Which being read in this House is rejected.

Benjamin Tasker Esq^r from the Upper House Delivers M^r Speaker the following Message viz.

By the Upper House of Assembly. Octob^r the 19th 1723.
Gentlemen.

This House finding that there is in the Publick Treasurers hands four hundred and Eighty one pounds Seven Shillings and three pence farthing Sterl belonging to the Freeschools, and the same not being easily to be divided among the Severall Countys of this Province, is of Oppinion that the best way to Render the said money usefull is to sell the bills, and Benjamin Tasker Esq^r a Member of this House, Offering twenty Eight Per Cent advance on the said Bills, or such of them as are

in the Treasurers hands of the Western Shore we are willing L. H. J.
to Agree with him, with which if your House Concurr the
Bills may be Sold Accordingly

Sign'd p Order Sam Skippon Cl Up Ho.

Which being read this house Concurrs therewith and
Thereupon the following Message is prepared viz: p. 88

By the Lower House of Assembly

October the 19th 1723.

May it please Your Honours

We Concurr with Your Honours in your Message this Day
by M^r Tasker relateing to the free school money.

Signd p order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r Hawkins and
M^r Travers. They return and Say they Delivered it.

Col^o Holland and Col^o Young from the Upper House De-
liver M^r Speaker the following viz:

By the Upper House of Assembly

Octob^r the 19th 1723

Gentlemen.

Upon reading your Message this day by M^r Hill and five
more we find you are still Resolved not to Allow us any thing
for our Attendance as a Councill of State; but since our Last
Message to you on searching more Carefully into our former
Records of Laws, we find another Act of Assembly made in
the year 1692 for Laying a Duty of four pence p Gallon on
Liquors which Act Expressly provides that the Councill shall
have an Allowance Out of that Duty, and as that Duty has
been Continued ever since Only with the Abatement of one
penny p Gallon, and is still Applied to the Defraying the pub-
lick Charge as it was then, Only Differing in that it does
not Expressly mention the Councill which we Conceive to be
omitted because it was properly a publick Charge and there-
fore thought to be Sufficiently Exprest under that Generall
Term; and as we Take the Reason of the Councill's Allow-
ance being made in Tobacco to be Derived from this Law,
either because the Councill rather Chose to have their Allow-
ances in Tob. than Money, or else that the Country rather
Chose to make their Allowances in Tobacco, and reserve the
money for some more particular Occasion Therefore since you
Refuse to make us An Allowance as heretofore in the Publick,
we Insist upon haveing it out of [the] three pence p Gallon

L. H. J. as Aforesaid which we take to be the proper fund for that purpose; but if you Cannot Consent so to do, We Desire that you will Consent that the Journall of the Committee of Accounts may be Altered and your Allowances as well as ours taken off; for we think we have as much reason to Refuse your Allowances as you have to refuse ours With this Alteration we shall be ready to Assent to the Journall and finish the bussiness of this Sessions which allready has been very Long.

Sign'd p Ord^r Sam Skippon Cl Up ho.

On Reading whereof the Question was put whether a Message shall be prepared to Signifye to the Upper House that this House is willing to Allow them for this Year past but not for the future. It passed in the Affirmative.

p. 89 Thereupon the following Message is prepared Viz.

By the Lower House of Assembly

Octob^r the 19th 1723.

May it Please Your Honours

This House takeing into Consideration his Hon^r the Gov^{rs} Letter to M^r Speaker and the Severall messages from your Honours have to Avoid Disputes Agreed to Allow your Honours as a Councill of State for the time past with a resolution never to Agree to the Like Allowance [again], if your Honours think fit to Accept thereof on these terms.

Signd p Order M. Jenifer Cl Lo Ho.

Which was sent to the Upper House by Col Mackall and three Others.

They Return and Say they Delivered it.

James Bowles and Benjamin Tasker Esq^{rs} from the Upper House deliver M^r Speaker the following Message Viz.

By the Upper House of Assembly

Octob^r the 19th 1723

Gentlemen.

We Concurr with your House in your Message to Day by M^r Crabb and three more.

Signd p Order Sam^l Skippon Cl Up Ho.

An Engrost Bill for the tryall of all matters of fact in the Severall Countys was read and Assented to and was so Endorst and sent to the Upper House by M^r Crabb and M^r King.

They return and Say they Delivered it.

L. H. J.

Col. Addison and Col^o Tilghman from the Upper House deliver M^r Speaker the following Message viz.

By the Upper House of Assembly

Octo^r the 19th 1723.

Gentlemen.

We Perceive that you are Inclined to Make a very Advantageous Bargain with us by your proposall in your Message this day by Col^o Mackall and three more that we should give up our pretensions of right to our Allowances for the future, for your Consent to Allow us what we ought to have at this time; an offer which we think unbecomeing your House, and which we reject with Indignation If you please to Consent to allow what we Claim as our right we are ready to Assent to the Journall of your Committee of Accounts, but have nothing to do wth your Resolutions, and the terms you propose we shall never Agree to.

Sign'd p Order Sam^l Skippon Cl Up Ho.

Thereupon the following Message is prepared Viz.

By the Lower House of Assembly

Octob^r the 19th 1723.

May it Please Your Honours

Since your Honours will not Agree to our proposalls we desire you'll be pleas'd to send Down the Journall of the Committee of Accounts that a Committee may be Appointed to Lay the Publick Levy or else as we have nothing before us we shall Adjourn.

Signd p Order Michaell Jenifer Cl Lo Ho.

Which was sent to the Upper House by M^r Beale and three other members. They return and say they Delivered it.

James Bowles Esq^r from the Upper House delivers M^r p. 90 Speaker the Journall of the Committee of Accounts with [the] following Message viz.

By the Upper House of Assembly

Octob^r the 19th 1723.

We have herewith sent you the Journall of the Committee of Accounts but Cannot Assent to it as it now Stands.

Sign'd p Order. Sam^l Skippon Cl Up Ho.

L. H. J. Ordered that Col^o Mackall and M^r Tyler go to the Upper House and Acquaint his Honour the Governour that nothing of Publick business remains before this House.

They return and say they delivered their Message

John Rousby Esq^r from the Upper House delivers M^r Speaker the following Message viz.

By the Upper House of Assembly

October the 19th 1723

Gent.

We are very much Surprized to hear you tell his Honour the Governour that you have nothing of business Lyes before your House, when we but Just now sent down the Journall of the Committee of Accounts to your House unassented to by us for want of some Addition or Alteration to be made therein Wee therefore take the Liberty to put you in mind that altho your House and ours cannot Agree to make Allowances to each other it is Absolutely necessary that all other Publick Dues should be paid and for that End we propose to you once more, that your Allowance and ours being taken out of the Journall, we shall be willing to Assent to all the other Allowances, by which means all the publick Debts will be paid. If you refuse this, we hope the Blame will be Laid on those who Deserve it and we shall be Excused.

Sign'd p Order Sam^l Skippon Cl Up Ho.

The House Adjourns till Monday Morning nine of the Clock.

Monday Octob^r 21st 1723

The House Meets According to Adjournment

Saturdays proceedings are read.

The Address to his Lordship was read and Ordered to be Entred as follows viz:

To the Right Honourable Charles Absolute Lord and proprietary of the provinces of Maryland and Avalon Lord Baron of Baltemore.

May it Please your Lordship.

p. 91 Wee your Lordships faithfull Tennants the Deligated Representatives of your Lordships province of Maryland now by your Authority Convened as a Lower House of this present Generall Assembly Beg your Lordships favourable Audience of us as well in relation to what your Lordship has been pleased to Communicate by way of Answer to our former

Address as to some Other Matters by your Lordships permission made known to us this Sessions which administer fresh Occasions of Importance to make this our Humble Application to your Lordship.

We Acknowledge with a full sence of Gratitude the Honour of your Lordships Thanks for our Late Addresses which really were as your Lordship pleased to Accept them, Affectionate and Dutifull and we hope whatever Appearance any thing that Comes from your Lordship may seem to have at our first view We shall still find your Lordship persisting in the Just resolution you are pleased to declare to us of making the publick good of our province the Rule of your Government, that our Expectations from the happy Effects thereof May never be frustrated, nor Lessened, unless by the fruition of the Expected good.

May it please your Lordship.

It was with great pleasure as well as Dependance on your Lordships preserving our priviledges that we Observed Your Lordship declare yourself Convinced how much it was for our Advantage that your Lordship should be Assisted with men of knowledge and Intrest in our affairs in Order not only to preserve those priviledges wee Allready Enjoy but to Obtain Others.

But when your Lordships first Article of Instructions of the nineteenth of March Anno Dom. Seventeen hundred and Twenty two was Communicated to us, it Obliged us to Confess our Selves extremely Mistaken in that Instruction or that those persons that had the Honour to Advise your Lordship therein were so. That they were Mistaken we shall Undertake to prove But first it will be necessary to shew what the Words of that instruction are viz:

London the 19th March 1722.

You will herewith receive my Dissent to An Act of Assembly Intituled An Act for Limitation of Actions of Trespass and Ejectment to be published and Entered on Record According to your forms which Act is not only Explanatory of An English Statute not in force in our province but seems by Implication to Introduce English Statutes to Operate there, which Statutes have been Allways held not to Extend to the plantations unless by Express words Located Thither; And you are Upon All Occasions so to Conduct your self on my behalf as not Only not to Admit Any such practice to take place in Maryland but even to Discountenance any Doubts Concerning the same and when Any of the English Statute

L. H. J. Laws are found Convenient and well Adapted to your Circumstances you Ought Especially to Enact them de novo or Such part of them as you find proper for you and not by An Act of the province [introduce] in a Lump (as it were) any of the English Statutes and these Sentiments You are to instill and make known as you see Cause.

p. 92 That they are so Mistaken in that Instruction wee proceed to Shew. It is therein Alledged that the Statute of Limitations of England is not in force here

We prove it is, thus.

1st It is a Statute of England without any Limitation of place therein as to its Extent and without being restrained to some particular Subjects or denied to Others, therefore we Conclude it is in force throughout his Majestys Brittish Dominions, and binds all the Subjects no place or person being Exempt. We are his Subjects and within his Dominions as we shall Shew.

Jamaica tho a Conquered Country (which Among some Lawyers makes a great Difference to the Advantage of its Inhabitants) is Allowed to have the Use of this Statute as we find it Averred by the Councill and Denied by none in Blankard and Galdys Case 5 William and Mary Kings Bench in these words:—But tis plain that such Statutes (of England) do bind there Jamaica, for the Statute of Limitations Extends to All Contracts made in that place. This Case reported in 4th modern page 222.

2^{ly} It is also Avered in the Said Instruction that it has been always held, that the Statutes of England did not Extend to the plantations unless by Express words Located thither, if so, the great Charter are struck out at Once from our Rule of Priviledges, for they Could not by Express words be Located hither in those Statutes that were made Long before Maryland was known or thought of.

But those Statutes that are Generall without Locall Limitation or restraint in them do Extend here, and Ever have Extended here from the first Settlement of this province, and many of Your Lordships Ancestors' Tenants have been Convicted on and Executed by them, in Allmost the Earliest Days of their Ld^{ps} Government.

Such Statutes doe and Ever did extend to Maryland For By your Lordships Charter of the 8 Ca. I Maryland whilst it was yet not Inhabited nor Cultivated by Any but the Heathen in their rude way, was in Consideration of the Laudable pious Zeal, which Your Noble Ancestors George and Cecilius Lord Barons of Baltemore [had] for the propagation

of the Christian faith and the Enlargement of the Crowns *L. H. J.* Empire and Dominion granted to your Ancestor Cecilius and his heirs &c with many prerogatives as to found Churches &c to be dedicated and Consecrated According to the Ecclesiastical Laws of England and to Enjoy all the Rights &c. that the Bishop of Durham ever Lawfully did in the County palatine of Durham &c. with Liberty to make Ordinances &c. but *p. 93* no ways to bind the Right of any person or take away the Right or Interest of Any person of or in their Life Member freehold Goods or Chattles.

But as we presume his then Majesty foreseeing that it would be of Little Service towards the Enlargement of His Empire, unless he as well Granted the people such priviledges as might Induce them to Leave their native Soyl to this Great End, as well as your Lordships Ancestors those prerogatives,

His Majesty was pleased by the same Charter Likewise to Declare the peoples priviledges in the following words viz:

Furthermore that this new Colony may the more happily Increase by the Multitude of People resorting thither and may Likewise be the more strongly Defended from the Incursions of Salvages, or Other Enemies, pyrates and Robbers Therefore we for us our heirs and Successors do give and grant by these presents, power Lycence and Liberty unto All the Liege people and Subjects both present and future of us our heirs and Successors (Excepting those who shall be specially forbidden) to transport themselves and families unto the said province, with Convenient Shipping and fitting provisions and there to Settle themselves, dwell and Inhabit, and to build and fortifye Castles, Forts, and Other places of Strength for the Publick and their Own private Defence at the Appointment of the said now Lord Baltemore, and his heirs, the Statute of Fugitives or any other whatsoever [to] the Contrary of the premises in Any wise notwithstanding.

And we will Also, and of our more Speciall Grace for us, our heirs and Successors, we Doe Streightly Enjoyn Constitute ordain and Command, that the said province shall be of our Allegiance and that all and Singular the Subjects and liege people of us, our heirs and Successors, Transported, or to be transported into the said Province, and the Children of them, and of such as shall descend from them, there already born or hereafter to be born be and shall be Denizens and Lieges of us our heirs and successors of our Kingdom of England and Ireland and be in all things held, treated, reputed and Esteemed as the Liege faithfull people of us our heirs and Successors born within our Kingdom of En-

L. H. J. land, and Likewise any Lands, Tenements, Revenues, Services and hereditaments whatsoever within our Kingdom of England and other Our Dominions May Inherit or Otherwise purchase, reserve, take have hold buy and possess, and them may Occupy and Enjoy give sell Alien and bequeath as Likewise all Liberties franchises and Priviledges of this our Kingdom of England, freely quietly and peaceably have and possess Occupy and Enjoy, as our Liege people, born or to be born within our said Kingdom of England without the Let, Molestation, Vexation, Trouble or Grievance of us our heirs and Successors any Statute, Act, Ordinance or provision to the Contrary thereof notwithstanding.

P. 94

The Statutes of England then, may it please your Lordship bind his Majestys Liege Subjects within his Dominions, as before we have shewn and we Humbly hope that, by the Above branch of the Charter, we have Sufficiently proved we are his Subjects and within his Dominions. Therefore as we are bound by so we ought as we think, to have the benefit of them.

Besides the haveing the benefit of their English Rights and Libertys preserved to the first Seaters and their posterities (whom your Lordship will please to remember were Englishmen Encouraged to Transplant themselves from England to Settle here as an Ample Colony of the English nation) was one of the Considerations of their Transporting themselves hither, And Can it be Right now to Deny it us? The Crown grants us in the name of the Kings Liege People And Subjects that wee and all his Subjects born here be Denizens and Lieges of him, and his heirs and Successors & of the Kingdom of England, and be in all things treated, held, reputed and Esteemed as the Liege and faithfull people of the King his heirs & Successors born within the Kingdom of England, and also all Liberties franchises and priviledges of the Kingdom of England, freely quietly & peaceably to have Occupy and Enjoy, as the Liege people born within the Kingdom of England &c^a

Now we pray it may be Enquired how We can be said to Enjoy the priviledges &c of English men as they do without Enjoying English Laws as they do? What Securedities have wee of our English Liberties and our properties, but by the English Law which if we Can Enjoy no Otherways then on the precarious Terms (pardon the Expression) of your Lordships pleasure in Assenting or Dissenting to our Acts to be made for Enforcing them, We then have those Laws to Obtain from your Lordship, Which the other English Subjects have allready Obtained from the Crown and Consequently

do not Enjoy them as they Do; nor at all unless your Lord- L. H. J.
ship should be pleased to grant us (what it seems by the
Instruction you may Deny) the facts (as it would then Seem)
of that which we Esteem our Rights allready not Only by
the Law as Above Shewn, but allready by our Brittish Right,
for

We are Subjects of England Transported hither as
Above is Shewn, in times of Peace; we were not Conquered
Ourselves, nor was the place so much as Conquered even p. 95
against the Indians (if any Affirm the Contrary Let them
prove their Affirmative) but Immediately on the Settlement
the English and Indians entred into Traffick and Commerce
so that we even then did and Still do, buy from them the Lands
we purchase of your Lordship, & Entred into and frequently
renewed and Still renew Articles of Peace with them: they
Acknowledge our King their King, and Englishmen their
Brothers, and thô some Skirmishes and partiall Differences
have happened, Yet the Above has been the Generall Way of
Treating each Other. Now May it Please your Lordship, we
cannot Conceive that any thing prejudiciall to our Rights &
Libertys or that Can Reduce us to a State of Villianage and
Slavery Can be Inferred from that or any other part of our
Conduct For we were ffreemen And English Subjects when
we Came from England and we Came thence to Settle with
our Sovereigns Leave and we have done nothing more than
his Other Subjects to forfeit the protection of our Sovereign
and his Law, and to dissolve us from our Allegiance to him or
that can be deemed a breach of it.

The Records of your Lordships province will Shew that
your Ancestors have Consented to Govern and always did
Govern us by those Laws and till now we never had our
Rights thereto Contested, that we know of, and so, may it
please your Lordship, we hope we have proved (tho much
more we have to Enforce it) that Statutes treated of do and
ever did extend here, and that we are no Conquered people,
but that were we so, our Sovereign by your Lordships Charter
has already granted us his Subjects priviledges.

Your Lordship is Pleased to Advise us in the said Instruc-
tion, that if any of the English Statute Laws are found con-
venient &c. we ought Especially to reenact them De novo.

May it please your Lordship, we can't reenact them without
your Governours Assent nor Enjoy them Against your Lord-
ships dissent. This would be a rendring that Precarious which
is now (we hope) most Assuredly ours, besides Sir, all the
Treasures and present Supports of the province would not
Answer so vast an Expence.

L. H. J. We Humbly hope your Lordship by so Strictly requireing your Governour here to Discountenance any doubts Concerning these Matters does not in the Least intend thereby to Influence or Discourage the most inconsiderable of your Tenants from Makeing Any Attempts to Support our Rights, Against what Seems to be Intended by that Instruction.

p. 95 (*bis*) For we can with pleasure Declare to the World that we have so much Confidence in your Lordships Candour Ingenuity and Justice, as Encourages us to Insist with Zeal and freedom on the Maintaining What Appears to us, to be our Right without The Least fear or Doubt of your Lordships Anger for our Doing what your Lordship knows to be so reasonable; nor doe we doubt but that your Lordship will Explode the notions We hereby Endeavour to Explode But should there still remain Doubts; We proffess to your Lordship that what we have now Offered Contains but Little in Comparison of what we have to Offer, did the time of this Sessions allow it, or the Case seem to want it

We hope your Lordship will on this and all Other Occasions find that your Antient faithfull Tenants here, are much better Informers concerning the true State of your Country, than any who perhaps have not been above four or five years in it, or may be, never know more of it then by hear say from such, or from Less Capable Informers.

What further your Lordship is pleased to Recommend we shall pay a Due regard to.

We Humbly pray your Lordships perusall of some Resolves of this House made Last Sessions, Relateing to those matters which we humbly Lay before your Lordship.

We Assure your Lordship none shall be more Loyall duti-full Subjects to his most Sacred Majesty King George by and under whose protection and Laws we Claime what we now Insist on from your Lordship, nor more faithfull tenants to your Lordship than,

May it Please your Lordship,

Your L^{dpps} most Dutifull and Obedient
Humble Servants

The following Message is prepared viz:

By the Lower House of Assembly. Octob^r the 21st 1723.
May it please Your Honours.

We are now we hope come to the Close of the Arguments about the Allowances your Honours Claim as a Council of

State and as those Allowances Ought to be founded on Some L. H. J. Law or on a Just and reasonable Custome and there being no Law now in force, nor Custom that had any reasonable foundation that we know of We cannot recede from our former Resolutions nor Agree to put our Own Allowances which are founded on a Law in force upon the same foot with that which has none to Support it. And if it be your Hon^{rs} Resolutions not to Assent to our Allowances, which you are Con- p. 96vinced, as we doubt not, are Just and reasonable and have a Law in force to Support them, for no Other Cause but that we will not Assent to your Honours Claims which we have given you our reasons for, we shall only Declare that your Honours make Such use of your power in this Case as we hope this House never will of theirs.

We therefore herewith send the Journall of the Committee of Accounts again to your Honours waiting your finall Answer.

Sign'd p Order M Jenifer Cl Lo Ho.

Which with the Journall therein mentioned was sent to the Upper House by Col^o Mackall and five Others.

They return and Say they Delivered them.

Resolved that the Chancellor be Allowed Six hundred pounds of Tobacco for each Copy of the Body of Laws for the Publick and Countys and Eight hundred pounds of Tobacco for Copying the Laws to be Transmitted to England.

The House proceeds to tax the ffees on the severall Bills following viz:

On George Robins Bill	£	s.	d.
To the Honourable Speaker	3:	0:	0
To the Clerk	1:	10:	0
On Robert Gordons Bill			
To the Honourable Speaker	1:	—:	—
To the Clerk	0..	10..	—
On the Rector of Annapolis Bill			
To the Honble Speaker	2..	—..	—
To the Clerk	1..	—..	—
On Ann Arundell County Bill			
To the Honble Speaker	1..	—..	—
To the Clerk	0..	10..	—

The petition of Patrick Creagh praying that he may have

L. H. J. orders on the treasurers for his money on finishing the prison at Annapolis thus Endorst Viz.

By the Upper House of Assembly Octob^r 21st 1723.

We have Considered the within Petition and are willing that the pet^r have an Order given him for payment for repairing the Prisons as soon as his work shall be finished.

Sign'd p Order Sam^l Skippon Cl Up Ho.

Which being read this House Concurrs therewith and
p. 97 Thereupon It is Ordered that the Honourable Samuell Young Esq^r Treasurer of the Western Shore pay to the said Patrick Creagh on the Commissioners' Order the money they Agreed with him for on finishing the work.

The House Adjourns till to Morrow Morning nine of the Clock.

Tuesday Morning Octob^r 22^d

The House Meets According to Adjournment

Yesterdays proceedings are read.

M^r Sherwood has the Leave of the House to go home.

The Petition of Thomas Bordley and Thomas Larkin Esq^{rs} referd from Last Sessions being Moved Again now, The said Bordley on behalf of himself and the said Larkin Acquaints the House that they have not yet Disposed of the Land therein Mentioned, but that the Country may have the preemption thereof.

Therefore the further Consideration thereof is referred till next Sessions.

Col^o Holland and two Others from the Upper House Deliver M^r Speaker the following Message viz.

By the Upper House of Assembly

Octob^r the 22^d 1723.

Gentlemen.

We have read and Considered your Message of the twenty first Instant by Col^o Mackall and five Others; and are of Opinion that if a Law or just and reasonable Custom would Induce you to Consent to our Allowances we should have no Occasion to dispute with your House About them for we have hitherto been Sufficiently provided for by those means, as we have Observed to you in Our former Messages, altho Your House seems resolved not to regard them, and Could you have given us any reasons of Weight to Avoid our Claims, we have so great a Regard to Justice that we should never have in-

sisted on them neither have we ever yet refused Consenting L. H. J. to your Allowances as you seem to Intimate in your Message but only propose that if you would Consent to forbear your Allowances, we would do the same by Ours, and so put an End for the present to the Contest About them: and we Wish we may not have more reason to Declare Against your House for Making an Ill use of your power than you have Against p. 98 Ours. To Conclude, we take the Liberty once more to recommend to your Consideration, the Act of Assembly made in 1692 for Laying an Imposition on Liquors, which particularly provides for the Support of the Councill which Act has been reenacted and Continued from that time to this and thereby our Claim in Money is Supported in Law and to Inform your House how that Allowance Came to be changed into Tobacco we desire you'll look into the Journalls of your House in May 1697 herewith Sent where you will find a possitive resolve made by the Lower House of Assembly in the following Words viz:

“ It being referred from the Last to this present Session
“ of Assembly whether an Annuall Sallary of Thirty pound
“ Sterling p Annum shall be Settled on his Majestys Honour-
“ able Councillors Instead of the One hundred and fifty
“ pounds of Tobacco p Diem.

“ Resolved by the House that such their Allowance in To-
“ bacco is well Settled.

Which Allowance has been ever Since Accordingly paid, and this we take to be a Custom grounded upon Justice and good reason, or else that Assembly and all the Succeeding Assemblys, nay even this present Assembly, till this Sessions have Acted very Unreasonably which we believe you will not Assert and now we hope (as you say in your Message) that we are Come to the Close of the Argument about our Allowances, and that you will no Longer deny us, what by Law, the Resolves of former Assemblys, and as much Justice as that of the Labourers being worthy of his hire, becomes our Due.

Signd p Order Sam^l Skippon Cl Up.ho.

In answer whereto the following Message is prepared Viz:

By the Lower House of Assembly

Octob^r the 22^d 1723.

May it please Your Honours

We are Sorry your Honours have come to no better Conclusion on Considering our Last Message of the 21st Instant About the Allowances, we hoped such Consideration might have Induced your Honours to think with good reason that thô

L.H.J. Acts were formerly made to Support your Claims, but are Since repealed and Others made in their Stead that do not Support them, one of which is the Act for Imposition of four pence p Gallon on Liquors, Your Claims Can be no ways Supported now by the Acts that are Long since repealed tho once in force, and whether this Allowance be now your due is the Question and We cant but Conceive it Looks some what Like a manner of treating us, Unworthy of your House to
 p. 99 Insinuate by your Message That because an Act still Subsists for Laying Impositions on Liquors which [makes] no manner of Allowance to you nor mention of your Claim, that you are pleas'd in your Message to Call that a Continuation of the same Act that had a paragraph to favour your Claims, which rather seems to be [to] Lead us into wrong notions of those Acts than to Clear up the truth. We hope therefore as there is now no Law in force to Support your Claim, [Your Claim] is not now Supported by Law as you by that manner of wording your Message are pleas'd to Insinuate We cannot think your Honours have Cause to Charge us with being in the Least partially prejudiced in this Dispute, which you plainly Do, by Saying we seem resolved not to regard the Laws and reasonable Customs you produce to Support your Claims.

The Laws we Don't regard, because as we have before said they are repealed and the reasons to Support your Custom we disregard, because by the Laws now in force, we find there [are] other moneys rais'd for the Support of Government that is not particularly [applied] by the Act that raises it for the support of Government which Says twelve pence of the fifteen pence p hh^d rais'd for the Support of Government should be Applied towards the maintaining the Station and Dignity of his Lordships Lieutenant Governour Actually resideing within this province and to such Other Necessary uses towards the support and Defence of the Lord Proprietary Government of the province as in his Lordships Wisdom to him shall seem meet Your Honours May please to remember that by all the Old Laws that mention the Support of Government you are Included as a part of what is to be Supported thereby; the money rais'd is to be Applied as to his Lordship seems meet; his Lordship best knows of what Value and Esteem your Service is to him; if his Lordship thinks he can Apply it to more advantage for the Support of Government or that he had rather want your assistance than Apply it that way, we are Obliged to Submit to his Lordship therein, so as that it be really Applied to the Support of Government. But as there is Sufficient rais'd for the Support of Government And that the Act for the directing the manner of Electing and Summoning Delegates &c Does say your Honours shall

be Allowed One hundred and fifty pounds of Tobacco p Day ^{L. H. J.} for each days Attendance in Assembly Times and no more, we take it Clearly that your Honours Customary allowance has no reasonable Foundation or Cause of its Continuance, the One hundred and fifty pounds of Tobacco for Attendance in Assembly time being what we never Refused.

But we Cant but think that your Honours refused to As- ^{p. 100} sent to our Allowances when you dissented to the whole Journall of accounts, and we think what we Observed to your Honours by that Message on that Head is Obviously Right, and as your Honours Implicitely allow by your Message we never have made such use of our power as we there Complain of, we assure your Honours We and we hope our Successors never will; and we hope as an Instance of your Honours Declineing with Abhorrence the makeing such use of yours, you'll think fit to Assent to the Allowances Concerning which there is no Dispute by Sending down our Journall with your Assent, that the business and Charge of this Sessions may at Length Determine, or Lye at their door that Cause them to Continue and Increase, while we Content ourselves with and persist in doing our Duty as faithfull Stewards for those we represent.

We therefore rely on our Late Conclusion which we are Clearly Satisfyed the Journalls you Quote shew no Cause for Altering.

Signd p Order M Jenifer Cl Lo Ho.

Which was sent to the Upper House by M^r Crabb and five more. They return and say they Delivered it

Ordered that the Honourable Robert Ungle Esq^r Transmitt the Address and Copy of the Resolve to his Lordship with all Convenient [speed ?].

The House Adjourns till to morrow morning nine of the Clock.

Wednesday Octob^r 23^d

The House meets According to Adjournment

Yesterdays proceedings are read.

The following Message is prepared, viz.

By the Lower House of Assembly

October the 23rd 1723.

May it please Your Honours

We have had nothing of the publick business before us under Consideration for some time, nor Could we well Imagine

L. H. J. any other Cause for our being thus Long Continued Sitting at the Countrys Expence without It's being Left in our power as we Conclude to Do it Service Unless that your Honours had Designed to return us the Journall of Accounts with your Assent or Dissent thereto which we now hope your Honours will send us or that you will use your Endeavours to Conclude the Sessions without it, and nothing that is proper to be done on our part shall be wanting towards it.

Signd p Order M. Jenifer Cl Lo House.

Which was sent to the Upper house after four of the Clock in the Afternoon by M^r Courts and Cap^t Hooper.

p. 101 They return and Say they Delivered it.

Philemon Lloyd Esq^r from the Upper House Delivers M^r Speaker the following Message viz:

By the Upper House of Assembly

Octob^r the 23^d 1723.

Gentlemen.

In Answer to your Message by M^r Courts and Cap^t Hooper, the Journall of Accounts now Lyes before us, and requires some time for our Consideration; and we conceive it not Consonant to the Wisdom of Publick Assemblys to do things in an hurry We Desire therefore that you would not be Impatient at a Small Delay which may prevent great Mistakes; and you may Assure yourselves that nothing that is proper to be Done on our parts shall be wanting towards the Ending of the present Sessions.

Sign'd p Order Sam^l Skippon Cl Up. ho.

The House Adjourns till to morrow morning nine of the Clock.

Thursday Octob^r the 24

The House meets According to Adjournment

Yesterdays proceedings are read.

The following Message is prepared viz:

By the Lower House of Assembly

Octob^r the 24th 1723.

May it please Your Honours

This morning now almost Spent, we have waited your Honours Commands and Again Desire on behalf of our Country that as you are pleased in some of your Messages

relateing to the Debate before you to recommend your selves L. H. J.
(not Unworthily) as Servants of Consequence to the Country,
that you will please to Exert your Selves towards the putting
a period to the present and Increasing Charge of this Sessions.

We have Agreed on a congratulatory Address to his
Majesty on the Occasion of the Late Conspiracy If your
Honours have thoughts of Joyning therein with us, 'tis ready
wrote with a blank for your so doing, on your Signifying your
Inclination to joyn we shall send you up our Draught We pray
your Honours Speedy Answer that we may not be Delay'd
in Signing the same ourselves if your Honours Joyn not.

Sign'd p order. M. Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Beale and three
Others. They return and say they Delivered it to his Honour
the Governour in the Upper House.

The following Message is prepared viz.

By the Lower house of Assembly. Octob^r the 24th 1723 p. 102
May it please Your Honours

We wonder that you should Suggest by your Message of
the 23^d Instant that the Journall of Accounts now before you
requires Some time for your Consideration, Since by your
Message of the 19th instant (before which your Honours had
it severall days before you) you are pleased to Signify to us
your being willing to Assent to all the Allowances therein
Except yours and Ours; your own and ours are so well known
to you and us, that we presume you Could not be Unacquainted
with them. We therefore Appeal to Your Honours whether
the reasons Offered in your Last Message can with any
reasonable Colour be taken as the reall Cause of the Delay
we Complain of.

Sign'd p Order M. Jenifer Cl Lo. Ho.

Which was sent to the Upper House by M^r Warfield and
M^r Bozman.

They Return and say they Delivered it.

Col^o Tilghman and Benjamin Tasker Esq^r from the Upper
House Deliver M^r Speaker the following Message viz.

By the Upper house of Assembly

October the 24th 1723.

Gent.

We have Considered your Message of this day by M^r Beale
& three others, and in a Little time shall send you our thoughts

L. H. J. in relation to the Debate between us; and also Joyn with you in doing what is proper towards the putting a period to the Charge of this Sessions.

As to what you further propose we are very ready to Joyn with you in a Congratulatory Address to his Majesty on his happy Deliverance from the Late traiterous Conspiracy, and to that End, we desire you would send us your Draught thereof by some of the members of your House

Sign'd p Order Sam^l Skippon Cl Up ho.

Thereupon the Address to his Majesty prepared by this House was sent to his Hon^r the Governour and the Upper house by M^r Beale and three Others.

They return and say they delivered it.

Col^o Holland from the Upper House Delivers M^r Speaker the following Message viz;

By the Upper House of Assembly

Octob^r the 24th 1726.

Gent.

We have Considered your Draught of a Congratulatory Address to his Majesty sent us by M^r Beale and three others and we Approve of and are ready to Joyn with you in the same; And his Hon^r the Gov^r being Present was pleased to Declare his willingness to Joyn in the same Address which he ordered us to Signify to your House, as Likewise that he would take the first opportunity of Transmitting it to his Lordship in Order to its being presented to his majesty.

p. 103

Signd p Order Sam^l Skippon Cl. Up. ho.

Thereupon the Address being Signd by his Honour the Governour and the members of the Upper house was also Signd by M^r Speaker [and] the severall Members of this House and Ordered to be Entred as follows viz.

To the Kings Most Excellent Majesty
Most Gracious Sovereign.

We your Majestys most Dutifull and Loyall Subjects his Lordships Lieutenant Governour and the Upper and Lower Houses of Assembly of your Majestys province of Maryland, humbly Embrace this first Opportunity of our Meeting together in publick Assembly, since we have heard of the Late Horrid Conspiracy against your Majestys Person family and Government, of Congratulateing with the rest of our ffellow Subjects your Majestys happy Discovery of that Detestable

Plot and your Deliverance from the Consequence of it, which L. H. J. we now heartily do With Thanks for the blessings we Enjoy by this so happy a prevention of all the Temporall miseries that Could be well Imagined.

We bless Heaven for the pleasing Prospect We Still have of the Continuance of your Majestys Health, preservation and prosperity, as the Only Temporall means of preserving to us our religious and Civill Rights and propertys, which we pray the same Heaven Long to Continue to your Majesty, And that the throne of great Brittain may never want an heir of your Descent to perpetuate the Like happy prospects [to us] and Latest posterity.

We Implore your Most Sacred Majestys Gracious Acceptance of this Our most Humble Congratulatory Address, and that According to [our] Steady Loyalty to your Majesty and Strict adherence to your most Illustrious House we may always be regarded by your Majesty and Esteem[ed] as of the number of

May it please your Majesty

Your Majestys most Dutifull
most Loyall and most Faithfull
Subjects And Servants.

Col^o Young and two Others from the Upper House Deliver
M^r Speaker the following Message Viz

By the Upper House of Assembly

Octob^r the 24th 1723.

Gent.

It seems to have been the wisdom of the Legislature, when Assembled for the makeing of such wholesome Laws and Ordinances, as may Conduce to the Publick good of the Country, to Cultivate with the greatest Care Imaginable a good understanding between the two Houses by Carrying on all their Debates, and Generally all Matters in Dispute, p. 104 Calmly and with good manners; least some unreasonable Resentments at the mode of proceedings, might Interrupt the more weighty Business of the Government. And whether this House has pursued those Steps or no, your own Journalls wherein our Severall Messages are Recorded will Answer for Us; but, Gentlemen, give us leave to tell you with a plainness that becomes the Superiority of our House, that we have a great deal to Complain of upon that head. The thing now in Dispute between the two houses, is Concerning Civill Right; and Altho that right which the Journalls of your Own House, Evidently makes Appear to be Justly ours hath been Denied

L. H. J. us by Sundry Messages from you; yet have we proceeded in All things According to the rule already Laid Down: and have Endeavour'd by the proper ways of Conferring with your House to bring you to reason. But notwithstanding your Sentiments are so much different from ours yet have we not by any illegall use of our power, nor by any false Insinuations Attempted to Surprise you or to bring you over to our oppinions, however Just and reasonable we our Selves may think them to be. We have proceeded in the usuall Methods practised between the two houses and thereby have done our parts towards preserving a perfect Confidence and good Understanding between your House & Ours: which you seem to have forgot, If we may Judge of your Sentiments by the Matter Contained in your Message by M^r Crabb and five Others. For notwithstanding that you have refused to make us the Customary Allowances, for attending as a Councill of State, yet have we not failed in the point of Charity and good Manners, thô greatly provoked thereto as believing your Deniall proceeded rather from a principle of Justice to your Country, then from any resolution of Denying us that which You Yourselves once thought to be our Just right.

Whilst you, we must be free to tell you, for want of those good Dispositions, with an UnCharitable Construction upon the manner of our Claims, Load us with the Sin of Calumny, and as treating you in a manner Unworthy of our House, which in your Opinion, as it is insinuated in your Message, we ought to Decline with Abhorrence We must Confess that we have Always been ready and Willing to be advised by the Lower House in Matters that regard the publick good, but as to Acts of Abhorrence, we must let you know, that they ought rather to Come up from your House, where the foundation of them was first Laid by an Unparliamentary and Unpresidented Charge Against us as Acting unworthy of our House, when we Insisted barely on a Matter of right, which the Journalls and former proceedings of both Houses do
 p. 105 Sufficiently Justifye us in, and prove Evidently that the Unworthy Acts of this Sessions ought not to be Laid at our Door.

Gentlemen we are still of Opinion that our Claims, as a Councill of State, are founded in Law and good Conscience without the necessity of Coming up to those better Conclusions which you Expect from [us. For it seems by your Message of the 15th Instant that the proceedings of] your Own house are grounded on Mistakes which Insensibly wound Our happy Constitution, that hath made a provision of Councillours for the Aid and greater security of Princes

and Governours upon all Emergent occasions wherein Nevertheless the Common Weal of the people, is necessarily Involved, and we readily agree with you that so Long as you Look upon the Office and Business of Councillors of State to be for the Support of the Prerogative Only, It is no wonder that you are so unwilling to burthen your Country with the Charge of our Services. But give us Leave Gent, to tell you that the Duty of our Office as well as our Oath which we have taken for the Just Discharge of the trust reposed in us intitle us to much more Usefull Services; which it seems upon Some occasions Your House it self was not Insensible of, Seeing it is very Justly Affirmed in the same Message that you do not in the Least doubt of our haveing the Common Weal of this province as much at heart when we Act as a privy Councill (or Councill of State) as when we act in Conjunction with your House and therefore seeing that our Office is of such Importance to the publick good of this province, we may very reasonably expect a reward for our Services upon all such Important Occasions.

We must further Observe to you that whatever Esteem or Value his Lordship shall please to put upon our Services, in relation to our Continuance in the Office of Councillors, we must Intirely Submitt that to his Lordships good will and pleasure However we are not willing to give up the Reward of our Attendance, so Long as we have Already Acted in that Station; being very well Assured that if the Value of the reward were always to be measured by the worth of the Service the Members of our House would have as good a plea for themselves as many Other people in the World that are paid for their Services to the Country.

For if the Labourer According to the Divine predication be worthy of his Hire; We think our selves Justly Intituled to the Allowances We Claim. Nor is it any way Satisfactory to us, that your House at this time hath made it a Question, whether any thing be Due to us or no? and that if there be, you very Generously thrust us upon his Lordships Grace, and Leave us there to be paid According to the Value himself shall put upon our Services. This, Gentlemen, We must tell you, is not very Agreeable to those hard Struggles our Constitution hath formerly had for Liberty & property, but waving that, we think our Services deserve a more Certain Reward, than to Depend on the Absolute Will of our Superior, not that this House has any Cause to Suspect his Lordships Generosity, which is particularly Eminent upon Sundry great Occasions; yet Gentlemen we are Loth to set an Ill president to future Ages by makeing a Compliment of our Right which

L. H. J. is not only founded on the Common Law, and Consequently Common right of our Country but hath been declared so by the Legislature of this province fifty two years ago, in An Act Intituled An Act for raising and provideing a Support for the Lord Proprietary in these words viz. That as Government is Necessary for the Conservation of all Societies, the Charge of Every Government without which it Cannot possibly subsist, ought to be born by those whose Conservation Depends Upon the Government, for and towards the Defraying the many great and necessary Expences of Government Among which Exigencies and necessary Expences of Government the Sallarys of his Lordships privy Councell are enumerated. But after the Revolution, and his Majesty King William the third had taken the Government of this province into his own possession, Lionell Copley Esq^r was Appointed Governour thereof, that Gentleman Convened a Generall Assembly at S^t Marys upon the tenth day of May 1692, at which Session, among Other things an Imposition of four pence p Gallon was laid Upon Liquors Imported, and part of the Impost Ariseing thereon Applied to the Support of a Councill of State

Thus Gentlemen we find the Case stands upon the Journalls of those times, and that the Councillors were paid their Allowances out of the Impost Duty of four pence p Gallon, nine pence part of the Impost of twelve pence p hh^d being paid to the Governour, and the remaining three pence Appropriated to the purchase of Arms, and for the Countrys Use, the Councillors had no place of Resort but to the Country, who made provision for them by the Act Aforesaid. But that Act, as we find it, was also repealed within two years time and one other Act made at a Session held at S^t Marys Septb^r the 21st 1694 where by the Same Impost of four pence p Gallon upon Liquors was still Continued to the uses in the same Exprest viz. for the building & repairing Court Houses, ffree-schools and such publick Services.

But altho those words such publick Services may Admit of Various Constructions, yet the sense of the Legislature of that time is altogether in our favour they made the Act, and they were the best Acquainted with the Intention of it; And as if the Councillors Sallaries had been Expressly mentioned among those Other publick Services, they paid them off duely out of the Revenue Ariseing from that Act, untill the time that One hundred and fifty pounds of Tobacco was Assigned them in Lieu of their Sallaries at thirty pounds Sterl p Annum as Appears more fully by a Loose Sheet of the Journall of the Lower House page 45 whereon

it Appears that the Councillors were paid the Sallaries pursuant to the Act the Latter End of the year 1694 The Like payments Appear upon the Journall of 1695 and more particularly Exprest to be paid According to Act of Assembly in 1696. L. H. J.
p. 107

We must tell you Likewise, that we think ourselves very much wronged in the Charge of Insinuating things that might Lead you into wrong notions of the Acts: for there being no Other fund for the payment of the Councillors Sallaries than the Impost Act of four pence p Gallon Laid in 1692 the Legislature took Care upon the repeale of the Act to Conclude those Salleries in the Impost Act of 1694 as it is very Evidently made to you already by the Sundry payments Annually made to them out of the Impost Duty but we wish for the sake of that good Correspondence which is necessary to be preserved Between the two Houses, that you had not given us Just grounds of bringing the same Charge against your House, when you would Insinuate to us because in Assembly time we are Allowed one hundred and fifty pounds of Tobacco p Diem and no more that therefore we are precluded from our Claims on Account of Other Services We are very Confident that many of the members of your House would not be well pleased to be tyed down by such a Construction, which is indeed too puerile and Ludicrous to take up any more of our time We therefore wave it, as we have Done other things, to Lett you see our good Dispositions to make an Amiable Conclusion of this Sessions.

Gentlemen, we take these payments made by the Assembly to be so many incontestable proofs of the Design of that Act, in the words such publick Services, which we Can, with a great Deal of Justice, say is no forced Construction, it being made Sacred as to your House, by the Sanction of a Resolve; wherein it Appears that the Country did not Only pay the Councillours Allowances at the Day (Viz) October the 2^d 1696, But Resolved that such payments were made According to Act of Assembly. We must further Observe to you, Gent, that it was a very hard Task laid upon our House to trace the first growth and progress of the Councils Allowancès; which being made by the Country for more than thirty years past, Upon Consideration, that the twelve pence p hh^d out of which the Councillors were paid in the Lord Proprietarys time, hath been Intirely Applied to such Other uses as Leaves no room for the payment of the Council Otherways than by the Country, which they were perfectly apprized of, and therefore paid their Allowance by the Impost upon Liquors untill the year 1697 that it was resolved by the Lower House that such

L. H. J. Allowance of One hundred and fifty pounds of Tobacco, p Diem was [well] settled.

Now Gentlemen, seeing that our Right to An Allowance or Sallary, Call it which you please, is so Clearly made out to you, both by the Journalls of former Assemblys, And the practice of later times, wherein we have been always paid our Allowances by the Country, it cannot any Longer remain
 p. 108 a Question in your House, whether we ought to have any Allowances or no? altho it seems to us that another Question may arise among you, as the result thereof, that is whether we should be paid by my Lord proprietary out of the twelve pence p hh^d or by the Country as heretofore? It seems to us that the Act of Assembly by which the Revenue of this province is now Established, that the twelve pence p hh^d raised towards the maintaining the Station and Dignity of his Lordships Governour &c hath put that money so farr into his Lordships power, that we Cannot have the Least Expectation that he will be pleas'd to part with Any of it to us, seeing that at the time of raising it, we were paid by the Country.

Moreover his Lordship who hath Express a great Deal of Generosity and good will to this province, upon some Important Occasions, must Look upon it as a very ungenerous Surprize, to find his revenue, after the passing the Act, to be now Incumbered with Charges which ever since the Revolution have been defray'd by the Country, and are as unknown as unexpected by him. And [what] will still make them the more Surprising is, that his Lordship will not find Upon the Journalls of either of the Houses the Least mention thereof. Wherefore we desire you will Consider better of it, and put an End to the Session by makeing us the Just and Customary Allowances.

Sign'd p Order Sam^l Skippon Cl Up Ho.

The House Adjourns till to Morrow Morning nine of the Clock.

Friday Octob^r 25th

The House Meets According to Adjournment.

Yesterdays proceedings are read.

The following Message is prepared viz.

By the Lower House of Assembly. Oct^r 25th 1723.
 May it please Your Honours

Your Message of the 24th Instant by Col^o Young and two others seems rather to require a Com̄ent than an answer and

Consists as we Understand it of no Other Matter than first, L. H. J. the same pretend^d reasons you gave us in your former Messages, Secondly of Rhetoricall florid Expressions to grace those pretended reasons and thirdly of reproaching us with your own mistaken manner of treating us. The second and third of these your and our Journalls, which you so Often Appeal to be the Evidence; and Let any Impartiall reader Judge We are resolved not to be lead from our Country's Business by any thing you shall Offer to divert us, nor take farther notice of the manner wherein you are pleas'd to dress your reasonings, in your Last Essay, save that we think your former Messages exprest your Intent with Elegance and Conciseness and this Late one with Less of those and much more prolixity and Circumlocution

We therefore Again (in your Method) Repeat our Conclusion that the Acts you Insist on to Support your Claims are and Long since were all repealed That the Custom you Insist on has no foundation for the reasons we have Already Shewn in our former Messages, and because the Journalls you last Quote in your favour were in 1696 & 1697 when the Acts ^{p. 109} in being that settled the revenue settled the whole revenue for the Support of Government one whereof in the Russet Coverd Book of Laws fo: 117 is Entituled an Act for Settlement of an Annuall Revenue on their Majestys Governour of this province for the time being Anno 1692 Another Act of the same purport and title Anno 1699 in the Large Vellum Law Book fo: 30; by these Acts there was no room left for the Councill but the whole Applied to the Gov^{rs} Support This made it reasonable to Allow them wages out of the publick there being no other provision for them; but by the Act for Settling the Revenue now in force, there is room left and plain provision made for them, if his [Lpp] pleases to Apply it so; if not we can lay no restraint on him and your Honours may more properly Apply to him on this Occasion than we We therefore again tell your Honours we are Convinced in our Consciences you have neither Law nor reasonable Custom to Support your Claims, and that we will not Act Contrary to this Conviction, on any Consideration whatever, let the Consequence be what it will.

Signd p Ord^r M Jenifer Cl. Lo. Ho.

Which was sent to the Upper House by M^r Tyler and five Others.

They return and say they Delivered it.

On a motion being made, it is Resolved that his Hon^r the Governour be Addressed to put an End to this Sessions

L. H. J. Thereupon the following Address is prepared viz:

By the Lower House of Assembly

Octob^r the 25th 1723

To the Hon^{ble} Charles Calvert Esq^r Governour of Maryland.

The Humble Address of the Lower House of Assembly
now Sitting.

May it please your Honour.

As we look upon your Honour to be the Last Recourse we can have here in quest of Justice in our parliamentary proceedings, We therefore make it our Humble Suit to your Honour that since we have been sitting nigh this week at the Country's Expence, and to our Own great fatigue without haveing anything new proposed to us from the Hon^{ble} the Upper House and being Under daily Expectation of haveing the Sessions concluded we could not proceed to any thing new in our own house, Lest such proceedings should be Interrupted by such Conclusion we haveing room given us to believe it might be hourly Expected and for as much as it is our real Opinions from the best Observations we Can make that the Honourable Upper House Endeavours to Impede or at least Delay the putting an End to this unnecessary and Excessive Charge by Insisting on Matters wherein themselves are Interested and pretending to Continue Arguments thereon th^o they are driven to the necessity of repeating and new dressing
p. 110 their Old ones, Instead of Offering new, after they have had the Resolutions of this House frequently repeated to them that we could not even for duty and Conscience Sake Comply with their Demands where by it seems as if they Endeavoured to Inforce us to Submitt to their bad reasoning as by a Kind of Duress; which we are firmly resolved we will never do, unless our Consciences can be Satisfyed of the Right of their Claim,

We therefore Humbly Pray your Hon^r that you will be favourably pleased to Interpose your Authority and to Dismiss us either by prorogation Disolution or Adjournment, as to your Honour shall seem meet; unless your Honour shall think fit to propose any matter your self that you may think proper which we shall Ever pay all Due regard to and Shew your Honour how much we are,

Your faithfull Dutifull and obedient Servants

Sign'd p Order of the Lower House

R. Ungle, Speaker.

Which was sent to his Hon^r the Governour by Col^o Mackall L. H. J. and Eleven Other members.

They return and Say they Delivered it.

M^r Speaker Communicates to this House the following Letter from his Honour the Governour viz:

M^r Speaker.

I desire you'l please to Acquaint your House that I return them my sincere thanks for the great regard they Express for any thing that shall Come from me to your House. I have nothing to Lay before them, and am heartily Sorry that any misunderstanding has arose between the two Houses, nothing shall be wanting in me to Accomodate this Difference and will put a Speedy End to this Sessions if your House doeth not proceed on further Business.

Cha: Calvert

Octob^r 25th 1723.

To the Hon^{ble} Rob^t Ungle Esq^r Speaker of the Lower House of Assembly

The House Adjourns till to morrow Morning nine of the Clock

Saturday Octob^r 26th

The House meets According to Adjournment.

Yesterdays proceedings are read.

Col^o Holland and two Others from the Upper House Deliver M^r Speaker the following message viz.

By the Upper House of Assembly Octob^r 25th 1723
Gent.

As it was not the Design of this House, to prolong this Sessions, by giving you Occasion of Coments, or by Enlarging our Last Message farther than was necessary for our Own Justification; we shall now purposely avoid any thing that may give you an handle to Disputes that are foreign to our present Debate between the two Houses, and do Assure you Likewise that we are so farr from Designing to Divert you from the Countrys Business, that we shall very readily Embrace Every Opportunity which you shall Lay before us of Acting for a Publick good in Compensation of the very great Expences which the Country is now put to by your refusing to make those Allowances which in your Message of this day

L. H. J. by M^r Tyler and five more, you have Acknowledged to have been both reasonable and Customary, and Consequently Just now, seeing that no Intervening Incident hath obstructed the
 p. III Course of [Justice; which hath still the same free Passage] as it had before the Acts of 1692 and 1699 were determined, and that we are now upon the same good Foundation which the former Councill Stood upon, when their wages, as you call it, were paid and Allowed by the Country to [be both] reasonable and Customary.

We are not willing, Gentlemen, to Interrupt the Course of the Debate Otherwise we might tell you that such a Resolve as your Message seems to be grounded upon, draws a very heavy Charge against the prudence and Circumspection of the Lower House of Assembly which for so many years since the Expiring of the Act [of] 1699 have Expended Vast Sums of the Countrys money without haveing so much as a reasonable Custom to Support it But waving that,

You say that because the Acts of 1692 and 1699 had Applied the whole Revenue to the Support of the Governours of those Times, It was thought reasonable to make the proper Allowances to the Councill out of the publick: and the reason which you Assign for it is this, that there was no other provision made for them, the Conclusion is so very Just and Clear that it Leaves no room for Objection, we must therefore Acquiesce with you and now more than ever hope the premises being the same and the same reasons still Subsisting (viz) no other provision made for the Councill, that we shall have the same Justice done us now, as has been heretofore practis'd in former Assemblys by paying us out of the publick.

This being the true State of the Case, We begg of you Gent to Consider the great Charge you are now running the Country to by expending their money in Multiplying unnecessary and Ill grounded Debates about the Councils Claims which you your selves Acknowledge, even in the Like Case to be reasonable Allowances tho made but a few years agoe

For as to the Act mentioned in your Message for Settling the Revenue and now in force, it doth not Leave any room, nor is there any provision made therein for the Council's Allowances, unless his L^{pp} be graciously pleas'd to Apply some part of the Revenue that way. If so, it is very well; we shall be paid. But if his L^{pp} refuse what then? Why then you Confess there being no Restraint in the Act upon his Lordship or other Obligation upon him to make any Allowances to his Council, that we must go without any Allowance at all. Are we not then, upon your own principles Gent, reduced to the same Circumstances with the Council of for-

mer times Viz. that there is no provision for the Council in L. H. J. the Act; and Certainly the same reason will hold good, as prevailed in former times viz. that the Council should have a reasonable Allowance out of the publick.

The presidents of former Assemblys in the Like Cases, being wholly on our side ever since the time of the Revolution we cannot help Expressing our Surprize that the Lower House should Impose so ungratefull a Task upon us, as to Apply to his Lordship for the Support of the publick Charge out of his own Revenue or Otherwise to subject our Just Rights for services done the Country to the mere will and pleasure of the Lord Proprietary, who as you Confess is under no manner of Restraint to pay his Council, and as there is no other provision made for the Council, this House must still Insist upon haveing the reasonable and Customary Allowances, and thereby put an End to this Long and Expensive Session. p. 112

Signd p Order Sam^l Skippon Cl Up Ho.

In Answer whereto the following Message is prepared Viz.

By the Lower House of Assembly. Oct^r 26th 1723.

May it please Your Honours

In Answer to your Message this day by Col^l Holland and two Other of your Members we are at a Loss to know by what part of our Message of the twenty fifth Instant, we have Acknowledged your Allowances to have been both reasonable and Customary so as to give your Honours the least Colour for the Consequence you are pleas'd to draw from that message viz. that those allowances are now Just. [Certain] we are that there is nothing Contained in that message or our Intentions to warrant such an Inference. We have indeed Agreed that such Allowances have been made by Vertue of Laws formerly in force, but that that should Continue after the Repeale of those Laws is [a notion] too ridiculous to prevaile with us or any people in their Senses.

We must with regret confess that some late Assemblys have Agreed to the Allowances your Honours now Claim, altho no better founded than at present. We Apprehend, for want of duely Considering the Alteration the repeal of the former Laws and makeing the present provision by the Act now in force for Settling the Revenue made in the Case which unhappy as well as Illegall Concessions, are (tho but poor ones) the foundations of the present unsupportable publick expence and intollerable Fatigue to our Selves, which we hope, will be

L. H. J. a warning to future Assemblies to prevent their giving way to wrongfull and unjust Taxations, and let them know that whenever they once do so, such Taxations will be demanded as things due of Common Right and that must either be given up or the people put to Excessive Charge in the Vindication of their Just Rights.

It is very Surprizing to us to hear again in this Last Message that there is no Other provision than the Allowance now Claim'd when your Hon^{rs} as well as this House must undoubtedly be Acquainted that the Law for twelve pence p^p hh^d so Often mentioned makes a provision and your not receiving the Benefit of that provision can never Justify us in Assessing that again on the people, which they've already paid; we hope never to be such unjust Stewards to those we Represent or Instead of Insisting on their Just Rights as in duty we are Obliged, be Instrumentall in their being unjustly burthened and Oppressed.

We Agree that the running the Country to great Charge by unnecessary Messages is worthy our Consideration and we are as farr concern'd for it as faithfull Representatives of the people ought to be, but we can't at the same time but reflect with Satisfaction that The Share we have in those messages, is not of our Own Choice, But that we are reduced to the necessity of bearing the same or to betray our Country, which we are fully determined not to be Guilty of and we hope the
p. 113 Journalls of this Assembly will evince to posterity, And Ascribe all the unnecessary Charge and Delay of Business this Session to the true Authors of it.

May it please your Honours.

We doubt not but Long e'er this you have been Acquainted with our Late Humble Address to his Honour the Governour and his Kind Indulging Answer thereto, from which it plainly Appears to us, that the prolonging this Sessions and Consequently the Increase of the Countrys Charge is wholly Caused by you in favour of your Small personall Interest in a Temporary Claim by which it is undenyably evident how ready you are for so small a Trifle where Self is Concerned to burthen the province and prostitute its Interest to Latest posterity, even tho as we before reminded you in order to obtain it you make use of a method of treating us by Argueing fallaciously and useing us with Indecencies unbecomeing your House to Offer, or ours to bear and therefore think it seems but too plain that you are pleas'd to use that Superiority you Lately valued yourselves upon to us as a Commission to Insult us; which lessens that tenderness and respect We have hither-

to treated & should still treat you with did you use us as ^{L. H. J.} Creatures rationall; But when we see you Shake of all Respect, except in what you respectfully promise but never perform Viz. to Endeavour to End the Sessions, we may be well Allowed to treat you with that plainness that is due to the Impositions offered us, and for Avoiding such Other plain but proper usage as perhaps may give you further pretences of Complaining of our freedom we desire you will rest Satisfied with our Late Conclusions which no necessities shall Ever Oblige us to depart from.

Sign'd p order M Jenifer Cl Lo Ho.

Which was sent to the Upper House by M^r Beale and five others. They return and say they Delivered it.

Col^o Addison and Col^o Tilghman from the Upper House Deliver M^r Speaker the Journall of the Committee of Accounts Endorst viz.

Octob^r 26th 1723.

Read and Assented to by the Upper House of Assembly Saving to our selves all Rights to Claim the usuall Allowances heretofore made to us as a Councill of State and Omitted in this Journall any other thing past in this Session to the Contrary notwithstanding.

And also Deliver the following Message viz.

By the Upper House of Assembly.

Octob^r the 26th 1723.

Gentlemen.

We shall not Enter into the Debate with you whether you be in your senses or no, but this we may very justly affirm, that any man in his wits may read the plain English of your Message of Yesterday viz that the whole Revenue applied to the Governour, left no Room for the Councill and this, as you laid down for a Rule made it reasonable to Allow them wages out of the Publick, there being as you Alledge no provision made for them. This rule, you say, the former Assembly walkt by, and by the same rule it is, that we are willing to be governed now; and Affirm from the terms of the message aforesaid that there is now no more room for the Councill than at those times, when the same Allowances, which we ^{p. 114} now Claim, were thought Reasonable For in that message you Acknowledge that no restraint can be laid upon his L^{pp} by the terms of the Act; how then, or by what means shall we come

L. H. J. at our Allowances? or what provision is there more for us now, then if no such Law had been ever made as that which you referr us unto, in which we are not so much as mentioned nor Included within the Intention thereof?

But if, in your Opinion, Gent, there be any certain provision made for us, which we know nothing of, it had been much more Agreeable to us, and much more becomeing the Lower House to have pointed out to us such provision, that we might have profited ourselves thereby, than to have Employed your time in writing a Satyr upon our Just Proceedings; in [relation] to which we shall [only] let you see that as we have the Superiority in our House, we Resolve by our disregard of your Abuses to Entitle ourselves to it in good manners also, and so we shall referr all further debate upon the Head of our Allowances untill another Session.

Signd p Order Sam Skippon Cl. Up. Ho.

Whereupon it is resolved by this House that the Refference proposed be not Assented to by this House.

A Bill Reviving the Act for Limitation of Officers fees and for Supplying some Defects therein was read the first and Second times by Especiall Order and past which was so Endorst and sent to the Upper House by Col^o Mackall and M^r Tyler.

They Return and Say they Delivered it.

The following message is prepared viz.

By the Lower House of Assembly. Octob^r the 26th 1723.
May it please your Honours

We desire to know whether your Honours will be pleas'd to Joyn with us in makeing Allowances to the Severall Members and Officers belonging to both Houses in money for the Tobacco due to them at the rate of ten Shillings Curr^t money p hundred for the time they have Attended since the Closeing the Journall of the Committee of Accounts, with which if your Honours agree the Committee for Laying the publick Levy may make them Accordingly

Signd p Ord^r M. Jenifer Cl Lo Ho.

Which was sent to the Upper House by M^r Dent and M^r Traverse

They return and Say they delivered it.

Philemon Lloyd Esq^r from the Upper House Delivers M^r

Speaker the Bill for Reviveing the ¹Act for regulateing or- L. H. J. dinarys thus Endorst viz.

By the Upper House of Assembly Octob^r 26th 1723

Read and will pass.

Sign'd p Order Sam Skippon Cl. Up. Ho.

Thereupon the same past for Engrossing.

An Engrost Bill for reviveing the ¹Act for regulateing Ordinaries, was read and Assented to and was so Endorst and sent to the Upper House by Cap^t Hooper and M^r Elliot.

They return and say they Delivered it.

Col^o Holland from the Upper House Delivers M^r Speaker the following message viz.

By the Upper House of Assembly

Octob^r the 26. 1723

Gent.

We Concurr with you in your Message this Day by M^r Dent and M^r Traverse.

Sign'd p Ord^r Sam^l Skippon Cl Up. ho.

A Bill for laying the publick Levey for the year 1723 was ^{p. 115} read the first and second times by Especiall Order and past which was so Endorst and Sent to the Upper House by M^r Wright and Cap^t Hooper.

They return and say they delivered it.

Resolved that M^r Hill and M^r Beale be Appointed of this House to Joyn some of the Members of the Upper House in order to Lay the Levey.

And thereupon the following Message is prepared viz.

By the Lower house of Assembly. Octob^r the 26th 1723
May it please Your Honours

We have Appointed M^r Joseph Hill and John Beale Esq^r two of the members of this House to be Joynd with some of the Members of your House in a Committee to Apportion the publick Levy for this year.

Sign'd p Order M. Jenifer Cl Lo. Ho.

¹The Act for Limitation of Officers' Fees was apparently intended. (See page 588, *supra*.) The Act for Regulating Ordinaries was signed September 28th.

L. H. J. Which was sent to the Upper House by the Gent Appointed.
They return and say they Delivered it.

Col^o Tilghman from the Upper House Delivers M^r Speaker
the Bill for reviveing the Act for Limitation of Officers Fees
& the Bill for Laying the publick Levey for the year 1723
Severally thus Endorst viz.

By the Upper House of Assembly

Octob^r the 26. 1723.

Read and will pass.

Signd p ord^r Sam^l Skippon Cl Up Ho.

Thereupon the Bills Aforesaid past for Engrossing.

The Above mentioned Bills being Engrost were read and
Assented to and were so Endorst and sent to the Upper House
by Col^o Ward & M^r Traverse. They return and say they
Delivered them

Ordered that Richard Young Deliver to Thomas Jobson
the Mace, the Keys of the Stadt House Flagg and Drums
&c and the possession of the Gate House which the said
Richard Young Complys with by delivering up the mace in
the presence of the House.

Benjamin Tasker Esq^r from the Upper House delivers M^r
Speaker the following Message Viz.

By the Upper House of Assembly

Octob^r the 26th 1723

Gent.

This House has Appointed Col^o Sam^l Young to be Joynd
with M^r Joseph Hill and John Beale Esq^r in a Committee to
Apportion the publick Levey.

Signd p Ord^r Sam^l Skippon Cl Up Ho.

Ordered that Col^o John Mackall and John Beale Esq^r go to
the Upper House and Acquaint his Honour the Governour
that nothing of Publick Business remains before this house
unfinished.

They Return and Say they delivered the Message.

Col Young from the Upper House Acquaints M^r Speaker
that his Hon^r the Governour requires him and the whole
House to attend him Immediately in the Upper House

Thereupon M^r Speaker with the whole House go to the
p. 116 Upper House where his Honour the Governour was pleasd
to Enact the severall Engrost Bills following being first As-
sented to by the Upper House into Laws by Sealing them
with the Great Seale of the Right Hon^{ble} the Lord proprie-

tary of this province and severally Endorseing them as fol- L. H. J.
lows viz.

Octob^r the 26th 1723.

On the behalf of the Right Hon^{ble} the Lord Prop^{ry} of this
Province I will this be a Law.

Cha. Calvert.

N^o 6. An Engrost Bill to prevent the great evils ariseing
by the Importation of Convicts into this province and for the
better Discovery of such when Imported

N^o 7. An Engrost Bill for the relief of John Mackenzie of
Talbot County.

8. An Engrost Bill for the ease of the Inhabitants in ex-
amining evidences relateing to the bounds of Lands and in
the manner of obtaining Injunctions.

9. An Engrost Bill for the Relief of George Robins of
Talbot County Gent.

10. An Engrost bill for the relief of William Jarvis and
William Griffith Languishing prisoners in Calvert County.

11. An Engrost Bill repealing such part of an Act of As-
sembly Entituled an Act for Laying an Imposition on Severall
Commodities Exported out of this province, as relates to the
Laying an Impost or Duty on ffurrs and Skins only and for
Laying an Imposition on pork pitch and Tarr in lieu thereof.

12. An Engrost Bill for the Advancement of Justice.

13. An Engrost Bill for vesting and settling an Estate of
Inheritance in ffee simple of and in a Certain parcell or Lott
of ground in the City of Annapolis Containing one hundred
and Twenty feet in Length formerly by an Act of Assembly
of this province Confirm'd to Robert Johnson of Ann Arun-
dell County Ship Carpenter Deced on Robert Gordon of the
City of Annapolis Merchant as also for vesting and Settling
an Estate of Inheritance in ffee Simple of and in a Certain
Sand Bank that Intersects a Tenement of Land possest by the
said Robert Gordon and the Creek on the said Robert Gordon
his heirs and Assigns for Ever.

14. An Engrost Bill for the relief of Elizabeth Major of
Prince Georges County by Empowering her notwithstanding
her Coverture to Lease for her life the Lands therein men-
tioned.

15. An Engrost Supplementary Bill to An Act Entituled
an Act Declareing the Right of three Lotts Orriginally Laid
out in Annapolis for the uses therein mentioned.

16. An Engrost Bill to prevent the Tumultuous Meetings
and other Irregularities of negroe and Other Slaves.

L. H. J. 17. An Engrost Bill to punish Blasphemers Swearers Drunkards and Sabath breakers and for repealing the Laws heretofore made for the punishing such Offenders.

p. 116 (*bis*) 18. An Engrost Bill directing the manner of the recovery of Fines for not Appearing at the Clearing of the High Ways.

19. An Engrost Bill for the quieting the Possessions of the Indians Inhabiting in Nanticoak and Choptanck Rivers.

20. An Engrost Bill for the Encouragement of Learning and Erecting Schools in the severall Counties within this province.

21. An Engrost Bill for relief of Ann Arundell County and all persons Concern'd in the Records thereof heretofore burnt

22. An Engrost Bill giving Encouragement to make hemp within this province.

23. An Engrost Bill for the relief of Thomas Turner of Charles County Gent, Christopher Belrose, Thomas Cobb, John Gould, Thomas Beezley and John Ferrell of Ann Arundell County, John Beldom, and John Hanley of Calvert County, Joseph Gough, of Queen Anns County, and John Clements of Dorchester County Languishing prisoners.

24. An Engrost Bill for the Tryall of all matters of fact in the Severall Counties where they have arisen or shall arise, the Continuance of Causes in the Provintiall Court and Adjournment of that Court.

25. An Engrost Bill reviveing and Continuing an Act Entituled an Act for Limitation of Officers fees and for Supplying some Defects therein.

26. An Engrost Bill for the payment and Assessment of the publick Charge of this province for this present year 1723 and for Confirming the Journall of the Levey in the year 1722.

After which his Hon^r the Governour was pleas'd to Express him in the following words viz:

Gentlemen of the Upper and Lower Houses of Assembly

I am heartily Sorry that this Session hath been of so long Continuance, but hope the Laws made therein will make Ample Amends to the good people for the Expence

Gentlemen of the Lower House.

I Cannot Conclude this Session without Observing to you how much his Lordship will be Surprised at your Endeavouring to Load his Revenue, with the Charge of Maintaining the

Councill, after his Lordship has so generously Sacrificed his L. H. J. private Interest for the publick Good; The most tender endearing Father could not do more for his own private family. As his Lordship is so good to the Publick there ought to be a greatfull acknowledgement of his favours; his Lordships Interest, and that of the Country are the very same, and as the use of a Councill of State is inseperably necessary to Carry on the p. 117 Interest of both so who ever will Insinuate the Contrary Cannot be a reall friend to Either.

Gentlemen of both Houses.

Nothing more remains but that I prorogue you which I hereby do, with the Advice of his Lordships Councill, to the tenth of March next being the Second tuesday in the said Month, before which time, (if there be not an Absolute necessity of your meeting) I shall summons the Councill, purposely to Consult of a further proper time, for the Conveniency of the good People.

Cha: Calvert.

Afterwards M^r Speaker with the Whole house Return to their own House where M^r Speaker resumes the Chair and reports what his Honour the Governour had before said and Done further that His Hon^r the Governour Had thought fit with the Advice of his Lordships Councill to prorogue this present Generall Assembly to the tenth day and second Tuesday of March next to which time This House Accordingly prorogues itself.

So Endeth this tenth Session of Assembly after his Majesty was most graciously pleas'd to restore the Government of this province to the right Honourable the Lord proprietary this twenty sixth day of Octob^r in the Eighth year of the Dominion of the Right Honourable Charles Lord Baron of Baltimore in and over this province Annoq Dom 1723.

Test. M. Jenifer Cl Lo Ho.

In Testimony that the Aforegoing is a true Copy from the Original Journal lodged in the Secretary's office of this province, I have hereunto Set my hand this 31st Day of January Anno Dni 1723

Vachel Denton Cler. in Officio
Secret^{rii} de Maryland.

ACTS.¹

Bacon's
Laws

At a Session of Assembly begun and held at the City of Annapolis, on the 23rd Day of September, and ended the 26th Day of October, in the 9th Year of the Dominion of the Right Honourable Charles, absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c. Annoq; Domini 1723, the following Laws were Enacted.

Charles Calvert, Esq^r Governor.

An Act for the Ease of the Inhabitants in examining Evi- Chap. VIII
dences relating to the Bounds of Lands; and in the Manner
of obtaining Injunctions.

Whereas the Bounds of Land in this Province depend chiefly upon marked Trees, which are Subject to decay, or upon Bays, Rivers, Creeks or Branches, the Names whereof do frequently become obsolete or change; by which Means the true Bounds of such Lands, (in process of Time) become doubtful, and cause tedious and chargeable Law-Suits to the Owners thereof, and very often the Loss of their Inheritance: Wherefore for the more easy Examination of Evidences in perpetual Memory, relating to Boundaries;

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, upon the Petition of any Person seized or possessed of Lands, in his own or any other Right, to any of the several County Courts within this Province, where the Land lies, for a Commission to examine Evidences, to prove or perpetuate the Memory of any the Bounds of such Lands, or of any other Lands whereon the Lands he shall be so seized or possessed of, shall depend, or whereto they relate, it shall and may be lawful for the Justices of such County Court, as often as any such Petition shall be to them preferred, to grant a Commission to Four

¹ The original record of the laws passed at this session having been lost, the text of the Acts here printed is taken from Bacon's *Laws of Maryland at Large*, published in 1765.

Bacon substantial and capable Free-holders within the said County, (not being any way related to any of the Parties, nor interested in the Land,) empowering them or any Three or Two of them, (they having first taken an Oath before the said County Court, or some Magistrate, duly and impartially to examine and certify such Evidences,) to issue Summons for all such Evidences as shall be to them nominated by the Petitioner, or other Person concerned, to appear before them at a certain Day by them to be appointed, upon the Lands the Boundaries whereof are to be proved, or perpetuated; and to examine all such Evidences upon their corporal Oaths, to be administered by such Commissioners, of their Knowledge concerning the several Bounds of such Lands; and carefully to reduce what the Evidences shall declare, into Writing, in the Presence of all the Parties concerned, that shall be there present; and return the same to the County Court where the Land lies, to be recorded in perpetual Memory.

III. And be it Enacted, That all Examinations of Witnesses that shall be taken, by Virtue of, and in Pursuance of this Act, shall be as good and available as if taken according to the Rules and Practice of the Court of Chancery, any Defect or Want of Form, or of filing or exhibiting a Bill, or any Law, Usage or Custom to the contrary notwithstanding.

IV. Provided always, That the Commissioners to be appointed by Virtue of this Act, shall, (before their Meeting on such Land, where all Parties concerned live in the County, or where they are not known) affix public Notes at the Parish Church where the Land lies, Three Sundays at the least, before their Meeting, intimating their Intentions, and the Time they shall appoint, and shall cause the like Notes to be put up in the most public Places in the County, Twenty Days before such Meeting, and that where all Persons interested are known, and any one of them lives out of the County, that Notice shall be given by affixing a Note at the Church Door of the Parish in which the Party resides, Forty Days at the least, before such Meeting of the Commissioners; and that the Commissioners shall return a Certificate of having given Notice, directed by this Act, with the Examination of the Witnesses.

V. And whereas many Persons in the remoter Counties of this Province, having equitable Rights against the Recoveries of Law that happen against them in such Counties, but before the Inconveniency of their purchasing Injunctions, as the Practice stands at present, are obliged to submit to the Injuries they receive, or to procure Sureties to go with them

to Annapolis, to enter into Bond in the Chancery Office, which is almost impracticable; For Remedy whereof, Be it further Enacted, That in case any Person shall think fit to proceed in Equity against any Verdict or Judgment rendered against him, on his Application to the County Court, it shall and may be lawful for such County Court to take sufficient Security from such Person, with Two sufficient Sureties, in not less than double the Debt and Costs recovered against him, for the due Prosecution of a Writ of Injunction in that case, according to the Form following.

“ Know all Men by these Presents, That we A. B. C. D. and E. F. of County, are held and firmly bound unto R. M. of &c. in the full and just Sum of to be paid to the said R. M. his Executors, Administrators or Assigns: To the true Payment whereof, we bind ourselves and every of us, our and every of our Heirs, Executors and Administrators, jointly and severally, for and in the Whole, firmly by these Presents, Sealed with our Seals, and dated this Day of Anno Domini 17 ”

“ Whereas the above bound A. B. hath obtained an Injunction to stay Proceedings at Law, on a Judgment rendered against him in County Court, by for Now the Condition of the above Obligation is such, That if the said A. B. shall prosecute the said Writ of Injunction with Effect, and satisfy and pay as well the said as all Costs, Damages, and Charge that shall accrue in the Chancery Court, or be occasioned by the Delay of Execution on the said Judgment, unless the Court of Chancery shall decree to the contrary, and shall in all Things obey such Order and Decree as the Chancery Court shall make in the Premises, then the above Obligation to be void and of none Effect, else to be in full Force and Virtue.

And that such Bond so given shall be a sufficient Supersedeas and Stop to any further Proceedings in that case, until the Person against whom such Chancery Relief is proposed, shall obtain a Certificate from the Chancellor, or his Register, of the Disallowance of an Injunction in such Case, or that such Injunction has not been sued out of the Chancery Office, within Two Months after such Bond given, or if sued out, that the same is dissolved.

VI. Provided always, and be it Enacted, by the Authority aforesaid, That the Commissioners and Evidences for their Service and Attendance, shall have, and be entitled to the same Allowances as Justices and Evidences in the County

Bacon Courts are; and that the same shall be levied in the same Manner as Officers Fees are.

Chap. XI An Act repealing such Part of an Act of Assembly, entitled, An Act for laying an Imposition on several Commodities exported out of this Province, as relates to the laying an Impost or Duty on Furs and Skins only; and for laying an Imposition on Pork, Pitch and Tar, in lieu thereof.

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That such Part of an Act of Assembly, made at a Session of Assembly begun and held at the City of Annapolis, the Fifth Day of September Seventeen Hundred and Four, entitled, An Act for laying an Imposition on Several Commodities exported out of this Province, as relates to the laying an Impost or Duty on Furs and Skins only, be, and is hereby declared to be repealed.

II. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the Publication hereof, no Person or Persons whatsoever, not being Inhabitants within this Province, shall import any Pork, Pitch or Tar, into this Province, by Land or Water, from any other Colonies or Plantations, with Intent to sell or dispose thereof, but what the Importer or Importers shall pay unto his Lordship the Lord Proprietor of this Province, to be employed towards the maintaining a Free-School or Schools, within this Province, by the Rector and Visitors of the Free-School, according to the Directions of an Act of Assembly relating to Free-Schools, made at a Session of Assembly begun and held at Annapolis, Anno Domini Sixteen Hundred Ninety-five, entitled, To the King's most Excellent Majesty, the Duties and Imposts following, (That is to Say,) For every Barrel of Pork, the Sum of One Shilling per Barrel, or for every Hundred Weight thereof Six-pence: For Pitch, One Shilling per Barrel: For Tar, Six-pence per Barrel; which said several Impositions shall be collected by the Several and respective Naval Officers within this Province, who are hereby required annually to render an Account of the said Impositions to the Public Treasurers of the Province, for the Time being, who shall, and are hereby authorized and empowered to receive the same, and render an Account thereof to the General Assembly of this Province, to the Uses Intents and Purposes aforesaid.

III. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That no Pork, Pitch or Tar, upon

which the Duties aforesaid are assessed, shall be Landed or put on Shore out of any Vessel which shall import the same, or any other, without due Entry of the same with the Officer thereby appointed (upon Oath or Test of the said Person or Persons importing of any of the aforesaid Commodities) for collecting the same, in the Port or Place where such Commodity shall happen to be imported as aforesaid, or before the Duty due and payable for the same be satisfied, or secured to be satisfied and a Warrant for the landing or vending thereof be signed by the Officer for that Purpose appointed; upon Pain and Peril that all such Commodities lauded, vended or put on Shore, contrary to the true Intent and Meaning of this Act, shall be forfeited and lost, or the full Value thereof, the one Half to be appropriated towards the Use of Public Schools in the Several Counties, the other Half to the Informer, or him or them that shall sue for the same; to be recovered by Action of Debt, Bill, Complaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

An Act to prevent the tumultuous Meetings, and other Irregularities of Negroes and other Slaves. Chap. XV

Whereas this present Sessions of Assembly have had under their Consideration, the evil Consequences that do and may attend the Suffering of Negro and other Slaves, to meet in great Numbers on Sabbath and other Holy-Days, and keeping of Horses, Cattle or Hogs of their own.

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Justices of the several and respective County Courts within this Province, be, and they are hereby empowered and required, immediately after the Publication of this Act, and so yearly in November Court, to appoint the Constable of every hundred, where the said Justices, at their Discretion, shall think proper and expedient, to suppress the Assembling and tumultuous Meeting of Negroes and other Slaves; and that every Constable so to be appointed, shall be obliged to repair once a Month, to all suspected Places within his Hundred; and if at any such Place he shall find any Negroes or other Slaves, belonging to the Owner of such Place, not having a Licence under their Owner or Overseer's Hand, that it shall and may be lawful for the Constable, and he is by this Act required, to whip every such Negro on the bare Back, at his Discretion, not exceeding Thirty-nine Stripes.

III. And to the End that every Constable may be enabled to put this Act in due Execution; Be it Enacted, That it may

Bacon be lawful for the Constable to require as many Persons as may be necessary, to repair with him to such Places, and that every Person that shall be so required, and shall refuse, shall forfeit One Hundred Pounds of Tobacco, to be recovered and applied as hereafter expressed; and all White Persons (being Free) that shall be present, shall aid and assist such Constable, on Pain of forfeiting One Hundred Pounds of Tobacco to the Lord Proprietor, one Half to the Use of the County, and the other to the Informer, on being convict by the Oath of the Constable, or other lawful Witness, or Confession of the Party before any Magistrate; and that all Negroes and other Slaves, belonging to the Owner of the Place where such Assembly shall be, if required, shall aid and assist the Constable in putting this Act in Execution, on Pain of being Whipped each of them with Thirty-nine Stripes on the bare Back.

IV. And be it Enacted, That every Constable that shall be appointed to put this Act in Execution, shall be allowed Five Hundred Pounds of Tobacco in the County Levy: And if it shall so happen at any Time, that any Negro or other Slave, shall Strike any White Person, it shall and may be lawful upon Proof made thereof, either by the Oath of the Party so struck, or otherwise, before any Justice of the Peace, for such Justice to cause one of the Negro's or other Slave's Ears so offending, to be cropt.

V. And be it likewise Enacted, That the Owner of any Plantation or Plantations, that shall at any Time discover any strange Negro or other Slaves upon any of their Plantations, unless they are sent by their Owners on lawful Occasions, and shall warn such Negroes or other Slaves, to be gone Home to their Masters or Owners, any Negroes or other Slaves refusing or delaying so to do, it shall and may be lawful for the Owner of such Plantation to correct such Negro by Whipping, not exceeding Thirty-nine Lashes. And any Person that shall wittingly encourage any Negro or other Slaves, to meet in Companies on their Plantations, unless on lawful Occasions, shall forfeit and pay for every such Offence, One Thousand Pounds of Tobacco, to the Use aforesaid, to be recovered as aforesaid.

VI. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That any Master or Owner of any Negro or other Slaves, that shall suffer any such Slaves to them belonging, to keep any Horses or Mares, or to raise any Cattle or Hogs, as the proper Right of such Slaves, the Master or Owner of such Slaves, shall forfeit and pay Five Hundred Pounds of Tobacco, to be recovered and applied as aforesaid;

and also all such Horses and Mares, Cattle and Hogs, shall likewise be forfeited, one Half to the Informer, the other Half to be applied as aforesaid. Bacon

VII. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That whereas many Negroes and other Slaves, absent themselves from their Masters Service, and run out into the Woods, and there remain killing and destroying of Hogs and Cattle belonging unto the People of this Province; if that such Negro or Negroes, or other Slaves so out-lying as aforesaid, shall refuse to surrender themselves, making Resistance against such Persons as pursue to apprehend and take them up, being thereunto legally impowered, it shall be lawful to and for such Pursuers, upon such Resistance made, to shoot, kill and destroy such Negro or Negroes, or other Slave as aforesaid.

VIII. This Act to be Read at every County Court by the Sheriff, or his Deputy, on Pain of forfeiting Five Hundred Pounds of Tobacco for every Omission, to the Lord Proprietor; one Half to the Use of the County where the Omission shall happen, and the other Half to the Informer; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

An Act to punish Blasphemers, Swearers, Drunkards, and Sabbath-Breakers; and for repealing the Laws heretofore made for the Punishing such Offenders. Chap. XVI .

Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That if any Person shall hereafter, within this Province, wittingly, maliciously, and advisedly, by Writing or Speaking, Blaspheme or Curse God, or deny our Saviour Jesus Christ to be the Son of God, or shall deny the Holy Trinity the Father, Son and Holy Ghost, or the Godhead of any of the Three Persons, or the Unity of the Godhead, or shall utter any profane Words concerning the Holy Trinity, or any the Persons thereof, and shall be thereof convict by Verdict, or Confession, shall, for the first Offence be bored through the Tongue, and fined Twenty Pounds Sterling to the Lord Proprietor, to be applied to the Use of the County where the Offence shall be committed, to be levied on the Offender's Body, Goods and Chattels, Lands or Tenements; and in case the said Fine cannot be levied, the Offender to suffer Six Months Imprisonment without Bail or Mainprize; and that for the second Offence, the Of-

Bacon fender being thereof convict as aforesaid, shall be stigmatized by Burning in the Forehead with the Letter B, and fined Forty Pounds Sterling to the Lord Proprietor, to be applied and levied as aforesaid; and in case the same cannot be levied, the Offender shall suffer Twelve Months Imprisonment without Bail or Mainprize; and that for the Third Offence, the Offender being convict as aforesaid, shall suffer Death without the Benefit of the Clergy.

II. And be it Enacted, That every Person that shall hereafter profanely Swear or Curse, in the Presence and Hearing of any Magistrate, Minister, the Commissary-General, Secretary, Sheriff, Coroner, Provincial or County Clerk, Vestryman, Church-warden, or Constable, or be convicted thereof, before any Magistrate, by the Oath of one lawful Witness, or Confession of the Party, shall, for the first Oath or Curse, be fined Two Shillings and Six-pence Current Money; and for every Oath or Curse after the first, Five Shillings like Money, to be applied to the Uses aforesaid.

III. And be it Enacted, That every Person that shall be Drunk, in the Presence of any of the Persons aforesaid, or shall be thereof convict in Manner aforesaid, before any Magistrate, shall be fined for every Offence Five Shillings Current Money, to be applied as aforesaid.

IV. And be it Enacted, That where the said Fines shall not be immediately paid on Conviction, that it shall and may be lawful for the Magistrates, or other Officers aforesaid, and they are hereby required, to order the Offender (not being a Freeholder, or other reputable Person) to be Whipped, or put in the Stocks; and for that Purpose to appoint any Person, (not having a lawful Exemption) as a Constable, on such Occasion, to punish such Offender: And that any such Person to be so appointed, that shall refuse to obey such Magistrate, or other Officer, shall forfeit Ten shillings Current Money, to be applied as aforesaid; for which Fine, the Magistrate, or other Officer, shall and may give Judgment, and award Execution against such Offender; and that where the Offenders shall be Freeholders, or other reputable Persons, and shall not have Money to pay the aforesaid Fines, the Magistrate, or other Officer, shall be, and are by this Act, required to certify all such Convictions to the several County Clerks, where the Offence shall be committed, who shall, every November Court, make out Lists thereof with the County Levy, to the several Sheriffs, under the County Seal; by virtue whereof, the Sheriffs shall and may levy the same in Money, or Tobacco at One Penny per Pound, by way of Execution, as other public Dues are to be levied.

V. Provided always, That no Offender shall receive above Bacon Thirty-nine Lashes, or be kept in the Stocks above Three Hours, upon any one Conviction.

VI. And be it Enacted, That every Magistrate, or other Officer, appointed to put this Act in Execution, and being guilty themselves of Cursing, Swearing, or Drunkenness, or omitting to punish others according to Law, shall for every such Offence or Omission, and Conviction thereof, in Manner aforesaid, before any other Magistrate or Officer aforementioned, forfeit Ten Shillings Current Money; to be levied and applied as aforesaid.

VII. And be it Enacted, That if any Offender shall revile or abuse any Magistrate, or other Officer, putting this Act in Execution, the Offender shall be obliged to give good Security (in the Sum of Five Pounds Current Money) for his good Behaviour for the Space of Three Months, and in Default thereof to suffer one Month's Imprisonment, without Bail or Mainprize.

VIII. And be it Enacted, That if any Magistrate, or other Person putting this Act in Execution, shall be assaulted or beaten by the Offender, or any other, that the Party grieved, if he brings an Action of Assault and Battery, shall and may recover treble Damages and full Costs.

IX. And be it Enacted, That if any Person shall be sued or impleaded for any Thing to be done in Execution of this Act, the Defendant may plead the General Issue, and give this Act and the Special Matter in Evidence; and if a Verdict shall be found for the Defendant, or the Plaintiff be Non Suit, or discontinue his Action, the Defendant shall have and recover treble Costs.

X. And be it Enacted, That no Person whatsoever, shall Work, or do any bodily Labour on the Lord's Day, commonly called Sunday, and that no Person, having Children, Servants or Slaves, shall command, or wittingly or willingly suffer any of them to do any Manner of Work or Labour on the Lord's Day, (Works of Necessity and Charity always excepted) nor shall suffer or permit any Children, Servants or Slaves, to profane the Lord's Day, by Gaming, Fishing, Fowling, Hunting, or unlawful Pastimes or Recreations: And that every Person transgressing this Act, and being thereof convict, by the Oath of one sufficient Witness, or Confession of the Party before a single Magistrate, shall forfeit Two Hundred Pounds of Tobacco to be levied and applied as aforesaid.

XI. And be it likewise Enacted, That no House-keeper shall sell any strong Liquor on Sunday, (except in Cases

Bacon of absolute Necessity) or suffer any Drunkenness, Gaming, or unlawful Sports or Recreations, in his or her House, on Pain of forfeiting Two Thousand Pounds of Tobacco to his Lordship, one Half to the Use aforesaid, and the other Half to him that will sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

XII. And be it Enacted, That every Parish-Clerk within this Province, shall procure a Copy of this Act, which the County Clerks are hereby required to suffer the Parish-Clerks to take, without Fee or Reward, for which he shall be allowed in the Parish Fifty Pounds of Tobacco; and that the same shall be read Four Times a Year, viz. on some Sunday in March, in June, In September, and in December, by every Minister within this Province, in their respective Parish-Churches, between Divine Service and Sermon, on Pain of forfeiting One Thousand Pounds of Tobacco for every Omission, one Half to the Lord Proprietor, for the Use aforesaid, and the other Half to him that will sue for the same; to be recovered by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

XIII. Provided always, and be it Enacted, That all Informations for Blasphemy and Sabbath-breaking, shall be made within One Month after Fact; and that all Prosecutions and Informations for Swearing, Cursing, Drunkenness, and Omission to punish the same, shall be made within Ten Days after the Fact; and that all Prosecutions for not Reading this Act, and for selling Liquors, and suffering Drunkenness and Gaming on the Sabbath-Day, shall be commenced within Six Months after such Omission, and not after.

XIV. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That one Act made at a Sessions of Assembly, begun and held at the Port of Annapolis, the First Day of July, Anno Domini Sixteen Hundred and Ninety-six, entitled, An Act for sanctifying and keeping holy the Lord's Day commonly called Sunday; and also one other Act of Assembly, made at a Session of Assembly, begun and held at the City of Annapolis, the Twenty-sixth Day of April One Thousand Seven Hundred and Fifteen, entitled, An Act for the Punishment of Blasphemy, profane Swearing, Cursing and Drunkenness, be, and are hereby repealed and made void.

XV. Provided, That all Prosecutions already begun, for any Breach of the former Laws, or any Judgment rendered, shall not be defeated or altered by this Act; but that the sev-

eral Courts and Magistrates may proceed to hear and determine the same to Judgment, award Execution, and on all former Judgments rendered as aforesaid, as fully and amply as heretofore they might have done, the Repeal of the said Acts to the contrary notwithstanding. Bacon

An Act directing the Manner of Recovery of Fines for not appearing at the Clearing of the Highways. Chap. XVII

Whereas by an Act of Assembly, made at the Town and Port of Annapolis, the Fifth Day of September, Anno Domini Seventeen Hundred and Four, entitled An Act for Marking the Highways, &c. there is a Fine of One Hundred Pounds of Tobacco to be levied upon all Taxable Male Persons that shall neglect to attend at the Clearing and Mending the Highways, when duly warned by the Overseers thereof; the which Fines have proved a greater Burthen to the People than was designed by that Act, by Means of the chargeable Way of Recovery thereof in the County Courts: For Remedy whereof,

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That from and after the End of this present Session of Assembly, no person within this Province, shall, by virtue of the aforementioned Act, be prosecuted in any County Court for their not appearing when warned to clear the Highways; any thing contained therein to the contrary notwithstanding.

III. But in all such Cases, any one Justice of the County Courts, to whom Complaint shall be made, are hereby fully authorized and impowered, upon Complaint made to him against any Person for not appearing, or Owners of Servants, for not sending their Servants on the Highways, when duly warned, to issue his Warrant to the Constable to bring such Persons, or Owners of Servants, before him, and to summons Witnesses, as Need shall require, and upon Appearance before him, fully to hear and determine all such Cases, and as he shall see just and reasonable Cause, either to acquit and discharge such Persons, or fine them according to the Direction of the aforementioned Act of Assembly, to the Uses therein mentioned; and to be levied in Manner as thereby is directed. And every Justice of the Peace, awarding such Fines against any Person as aforesaid, are hereby required to keep a fair Account of all such Fines, and to return a true List thereof to the Justices of the County Courts yearly, at the Time of laying the County Levies, of which Account the said County Courts shall cause their Clerks to give a fair

Bacon Copy to the Sheriff of the County, in order to collect such Fines and Forfeitures; and on Refusal of Payment thereof, the Sheriff is hereby impowered to levy the same by way of Execution, in the same Manner as the Public and County Levies of this Province have usually been levied and collected, and render an Account thereof to the Justices of the respective County Courts, to be applied to the Uses aforesaid.

Chap. XVIII An Act for quieting the Possessions of the Indians inhabiting on Nanticoke and Choptank Rivers.

Whereas the Indians inhabiting on Nanticoke and Choptank Rivers, have complained to this General Assembly, of several Incroachments made into the ancient Bounds and Limits of their Lands heretofore granted them by the Lord Proprietor, and confirmed by several Acts of Assembly of this Province: For Remedy whereof, and to prevent Complaints of like Nature for the future,

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That the Nanticoke Indians, and their Descendants, shall have, hold, occupy, possess, and enjoy a free, peaceable and uninterrupted Possession, of all that Tract or Parcel of Land, lying between the North-west Fork of Nanticoke River and Chicucune Creek, for and during such Space of Time as they, or any of them, shall think fit to use, and shall not wholly and totally desert and quit Claim to the same, according as the same is Butted and Bounded by an Act of Assembly of this Province, made in the Year of our Lord Sixteen Hundred Ninety-eight, entitled, An Act for ascertaining the Bounds of a certain Tract of Land, to the Use of the Nanticoke Indians, so long as they shall occupy and live upon the same. And that the said Indians shall not at any Time hereafter, sell, dispose of, or lease for Term of Years, any Part or Parcel of the aforesaid Land, to any Person or Persons whatsoever. And that the Choptank Indians, and their Descendants, so long as they shall occupy or claim, and shall not totally desert the same, shall hold and possess, quietly and peaceably, all that Tract of Land lying in Dorchester County, on Choptank River, according to the Metes and Bounds thereof, surveyed and returned by the Honourable Philemon Lloyd, Esq^r Colonel Richard Tilghman, and Colonel Matthew Tilghman Ward, Commissioners appointed by his Honour the Governor to ascertain and lay out the same, pursuant to an Act of Assembly of this Province, made in the Year of our Lord Seventeen Hundred and

Twenty-one, that Survey being found pursuant and agreeable ^{Bacon} to the Intent and Design of one Act of Assembly, made at the City of St. Mary's, in the Year of our Lord Sixteen Hundred Sixty-nine, by which that Land was granted to the said Indians.

III. And be it further Enacted, That the Choptank Indians aforesaid, at any Time hereafter, shall not on any Pretence whatsoever, alienate, dispose, sell or let to farm, any Part or Parcel of the Lands beforementioned, except that Part thereof which lies to the Eastward, Southward and Westward of those Lines formerly run, from the Head of Secretary Sewall's Creek, to the Bounded Tree of William Dorrington, by Colonel Thomas Smithson, and Lieutenant Colonel Thomas Ennalls, as the exterior Bounds of the aforesaid Land, pursuant to an Ordinance of Assembly then made: And that if any Person shall presume to Purchase or Lease any Part thereof (except as before excepted) such Purchase or Lease shall be utterly void, and of none Effect.

IV. And it is hereby further Enacted, That no Lease for Term of Years, or for Life, already made, shall be of any Force or Effect longer than Seven Years after the End of this Session of Assembly, and that those Persons who hold by virtue of any such Lease from the said Indians, be, and are hereby obliged punctually and faithfully to pay and satisfy to such Indian or Indians, under whom they hold, the several and respective Rents contracted for: And if any Person shall refuse or delay to pay such Rent yearly, as it becomes due, such Lease shall become void; and it shall and may be lawful for any Justice of the Peace within the County where such Rent shall arise and become due, and remaining unpaid, upon Complaint to him made by such Indians, to issue Warrant, give Judgment, and award Execution for the same, in the same Manner as in the Act for Recovery of small Debts is provided.

V. And be it further Enacted, That all Sales, Gifts, Grants, or Leases, made by any the Indians aforesaid, since November Seventeen Hundred and Twenty-one, of any the Lands lying on the South Side of Secretary Sewall's Creek aforesaid, and the Southern Branch thereof, and within the Lines run by Colonel Thomas Smithson, and Lieutenant-Colonel Thomas Ennalls as aforesaid, being contrary to an Ordinance of Assembly then made, be, and are hereby declared to be null, void, and of no Effect.

VI. Provided nevertheless, That such Surveys and Purchases which have already, bona Fide, been made since November Seventeen Hundred and Twenty-one, or which

Bacon hereafter shall be, bona Fide, made of any of the Choptank Indians Lands, comprehended within the Metes and Bounds surveyed and ascertained by the Honourable Philemon Lloyd, Esq; Colonel Richard Tilghman, and Colonel Matthew Tilghman Ward, Commissioners as aforesaid, and lying to the Eastward, Southward or Westward of the Lines run by Colonel Thomas Smithson, and Lieutenant-Colonel Thomas Ennalls aforesaid, be, and are hereby confirmed and made valid unto the Purchasers or Takers up of the Same, and their Heirs and Assigns for ever; any thing in this Act to the contrary notwithstanding.

VII. Provided likewise, That such Purchases by any Person or Persons of any Land belonging to the Choptank Indians aforesaid, be made when those Indians are Sober, and of sound and perfect Memory; and the Consideration agreed for paid, or secured to be paid to them, by such Purchasers, before the Executing of the Deeds of Sale; and that all Deeds of Sale hereafter made by the Indians aforesaid, shall be acknowledged by them before the Justices of the County in Court sitting, or before One or more of his Lordship's Council, who are hereby empowered to take the same, otherwise to be void, and of no Effect.

Chap. XIX An Act for the Encouragement of Learning, and erecting Schools in the several Counties within this Province.

Whereas the preceding Assemblies for some Years past have had much at Heart the absolute Necessity they have lain under, in regard both to Duty and Interest, to make the best Provision in their Power for the liberal and pious Education of the Youth of this Province, and improving their natural Abilities and Acuteness, (which seems not to be inferior to any) so as to be fitted for the Discharge of their Duties in the several Stations and Employments they may be called to, and employed in, either in regard to Church or State; and for that End laid an Imposition on Sundry Commodities exported out of, and others imported into, this Province, and other Fines, for the raising a Fund for the erecting and supporting a good School in each County within this Province, which has succeeded with such desired Effect, that it is now thought necessary, and is prayed that it may be Enacted

II. And be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That in some convenient Time, after the End of this present Session of Assem-

bly, there shall (for the Ends before mentioned) be erected ^{Bacon} One School in each County within this Province, at the most convenient Place, as near the Center of the County as may be, and as may be most convenient for the Boarding of Children, at the Discretion of the Visitors, or the major Part of them, that are hereafter nominated, appointed and impowered by this Act, in each County.

III. And be it therefore Enacted, by the Authority, Advice, and Consent aforesaid, That for the Time being, the Seven several Persons hereafter named for each County, be, and are hereby nominated, appointed, and named Visitors, and are impowered with full and sufficient Authority for discharging the several Offices, Duties and Trusts, reposed in and required of them by this Act, within the several and respective Counties wherein they reside, (That is to say),

For St. Mary's County, the Reverend Leigh Massey, James Bowles, Esq; Nicholas Lowe, Esq; M^r Samuel Williamson, Colonel Thomas Trueman Greenfield, M^r Thomas Waughop. and Captain Justinian Jordan.

For Kent County, the Reverend Richard Sewall, the Reverend Alexander Williamson, James Harris, Esq; Colonel Edward Scott, M^r Simon Wilmer, M^r Gideon Pearce, M^r Lambert Wilmer.

For Ann-Arundel County, the Reverend M^r Joseph Colebatch, Colonel Samuel Young, William Lock, Esq. Captain Daniel Mariartee, M^r Charles Hammond, M^r Richard Warfield, and John Beale, Esq;

For Calvert County, the Reverend M^r Jonathan Cay, John Rousby Esq; Colonel John Mackall, Colonel John Smith, M^r James High, M^r Walter Smith of Leonard's Creek, M^r Benjamin Mackall.

For Baltimore County, the Reverend M^r William Tibbs, Colonel John Dorsey, M^r John Israel, M^r William Hamilton, M^r Thomas Tolley, M^r John Stokes, and M^r Thomas Sherdine.

For Charles County, the Reverend M^r William Maconchie, M^r Gustavus Brown, M^r George Dent, Captain Joseph Harrison, M^r Robert Hanson, M^r Samuel Hanson, and M^r Randal Morris.

For Talbot County, the Reverend M^r Henry Nicholls, Colonel Matthew Tilghman Ward, Robert Ungle, Esq. M^r Robert Goldsborough, M^r William Clayton, M^r John Oldham, and M^r Thomas Bozman.

For Somerset County, the Reverend M^r Alexander Adams, the Reverend M^r James Robertson, M^r Joseph Gray,

Bacon M^r Robert Martin, William Stoughton, Esq. M^r Robert King, and M^r Levin Gale.

For Dorchester County, the Reverend M^r Thomas Howell, Colonel Roger Woolford, Major Henry Ennalls, Captain John Rider, Captain Henry Hooper, Captain John Hudson, and M^r Govert Lockerman.

For Cecil County, Colonel John Ward, Major John Dowdall, Colonel Benjamin Pearce, M^r Stephen Knight, M^r Edward Jackson, M^r Richard Thompson, and M^r Thomas Johnson, junior.

For Prince George's County, the Honourable Charles Calvert, Esq. Governor, the Reverend M^r Jacob Henderson, M^r Robert Tyler, Colonel Joseph Belt, Mr. Thomas Grant, M^r George Noble, and Colonel John Bradford.

For Queen-Anne's County, the Reverend M^r Christopher Wilkinson, Philemon Lloyd Esq. Richard Tilghman, Esq. M^r James Earl, senior, M^r William Turbutt, M^r Augustine Thompson, and M^r Edward Wright.

IV. The which Persons, so nominated, appointed, authorized and named, for the several and respective Counties as aforesaid, or the major Part of them, in case of Death, or Absence of any, are hereby required with all convenient Speed, to meet at such Place within their County, as to them shall seem meet, to qualify themselves for the Office of Visitors of their County Schools, which they are to do, by taking the several Oaths appointed by Act of Assembly, and signing the Oath of Abjuration, and the Test, according to the Directions thereof; and also, taking an Oath for the Discharge of the several Duties and Trusts reposed in them, in the Words following, viz.

I A. B. do Swear, That I will duly and faithfully discharge the Duties and Trusts committed to me, as a Visitor of County School, according to the best of my Skill and Cunning. So help me God.

The which Oaths are to be administered by any of the Four Persons last named for the County, to the Person First named, or in his Absence, to any one of the Three Persons first named, that shall be present, the which Person being Sworn as aforesaid, shall administer the Oaths aforementioned to all the Rest: And so Successively, the Persons first named, that shall be present, shall always administer the said Oaths to any that have been absent, or that shall hereafter be elected and chosen, pursuant to the Direction of this Act, to supply the Place of any that shall be dead, or removed out of the County: And the aforesaid Persons, or the Major Part of them, being Sworn as aforesaid, shall be constituted and

qualified as Visitors of the School of their said County, and as such, are hereby invested with full Power and Authority, as a Body Politic, to plead and be impleaded, to sue and be sued, to defend and be defended, to answer and be answered, in all and every Cause, Complaint and Action, real, personal or mixt, of whatsoever Kind or Nature it shall be, in any of the Courts and Places of Judicature within this Province; and that they, or any of them, or any other Person or Persons whatsoever, either before or after such School shall be erected, founded and established, in any County as aforesaid, have full Power to give and grant, assign and bequeath, all or any Manors, Lands, Tenements, Rents, Services, Portions, Annuities, Pensions, Inheritances, Franchises and Possessions whatsoever, Spiritual or Temporal, to the value of One Hundred Pounds Sterling, per Annum, (besides all Burthens, Reprisals and Reparations) to them the said Visitors, or the major Part, or Survivors of them incorporate, for such County School, to them and their Successors for ever.

V. And further, That the said Persons so incorporate, the longest Livers and Successors of them, shall be the true, sole and undoubted Visitors of such Schools in perpetual Succession for ever; to be continued in the Way and Manner hereafter specified; with full and absolute Power, Liberty and Authority, in making and ordaining such Laws, Orders and Rules for the good Government of the said Schools, as to them the said Visitors, and their Successors, shall, from Time to Time, according to their various Occasions and Circumstances, seem to them most fit and requisite; all which shall be observed by the Master, Usher, Tutor, and Scholars of the said School, upon the Penalties therein contained.

VI. Provided always, That the said Rules, Laws and Orders, be no wise contrary to the Royal Prerogative, nor to the Laws and Statutes of England, and Acts of Assembly of this Province, or to the Canons and Constitutions of the Church of England by Law established.

VII. And for the Perpetuating the Succession of the aforementioned Number of Seven Visitors to each School as aforesaid; Be it Enacted, by the Authority, Advice and Consent aforesaid, That as often as any one or more of the Visitors of any of the aforesaid Schools shall die, or remove himself and Family out of the Province, or into any other County to reside, that then, and so often, the Visitors for the Time being, then surviving and remaining within the County, or the major Part of them, be, and are hereby authorized and required to elect, nominate and Choose, one or more of the principal and better sort of the Inhabitants of the County,

Bacon into the Place and Room of the said Visitors of such School, so dead or removed, and so to fill up the full Number of Visitors for each School; the which Persons so elected and chosen from Time to Time, are always to be qualified in the same Manner as is before mentioned.

VIII. And be it further Enacted, That the Visitors (for the Time being) of each School, being qualified as aforesaid, be, and are hereby authorized and directed with all convenient Speed, to purchase One Hundred Acres or more of Land, for the Use of such School, having a special Regard as to its Convenience, that it be as near as possible in such Place in the County, as is before directed for the erecting of Schools, by this Act; the which Land, when so purchased, the Visitors are to assign such Part of it as they shall see meet, not to exceed one Moiety thereof, to be built upon, and cleared (if not before built on and cleared) for the Convenience of making Corn and Grain, and for Pasturage, for the Encouragement, Use and Benefit of the Master of such School, for the Time being; the other Moiety whereof is to be preserved in Woodland Ground, and no other Use made thereof by such Master, without the Licence and Direction of the said Visitors, than what may be absolutely necessary for Fire-Wood, and the repairing of the Houses and Fencing already built and made, or to be built and made, on such other Moiety thereof, and that no Master be permitted, either by himself or by any other Person, on any Pretence whatsoever, to plant any Tobacco on such Land or Plantation; and the Visitors of the several Schools as aforesaid, are further impowered and directed, in case that there shall not be sufficient Buildings upon any such Land at the Time of making a Purchase thereof for a Dwelling-house, and necessary Conveniencies for the Master, and for keeping a School therein, and Ground cleared sufficient for the Use aforesaid, that then they shall, with all possible Speed, agree with such Work-men and Labourers, or other Persons, in the best Manner they can, that will undertake the necessary Buildings and Improvements upon such Lands for the Uses aforementioned; and the Visitors aforesaid are likewise hereby directed to take all proper Methods for the encouraging good School-Masters, that shall be Members of the Church of England, and of pious and exemplary Lives and Conversations, and capable of Teaching well the Grammar, good Writing, and the Mathematicks, if such can conveniently be got; and that they allow every such Master for his Encouragement for the present (besides the Benefit and Use of his Plantation) the Sum of Twenty Pounds per Annum, and to take such other Measures, or make such other Agreements, from Time to Time, for the future, as the Cir-

cumstances will admit of, as may give due Encouragement to one or more Masters, and be necessary and useful for the improving and perpetuating such School. Bacon

IX. And further, The Visitors of every School, after it shall be erected, are hereby required to meet thereat, at least Four Times a Year, to inspect into and consider of, and direct the necessary Affairs thereof.

X. And for the enabling the Visitors of the Schools as aforesaid, for the purchasing of Lands, and erecting of Schools, and encouraging of Masters in Manner as aforesaid, Be it Enacted, That the Money already raised for the Use of County Schools, and that is now in the Public Treasurers Hands being divided into Twelve equal Parts, answering to the Number of County Schools now to be erected, the Treasurers, in whose Hands such Money lies, are hereby required to make due Payment of one of those Twelve Parts or Dividends of Money in their Hands, to the Visitors of the Schools for each County, or the major Part of them, or their Orders, whensoever they shall have Occasion to draw on such Treasurers for the Same; and the like Payment shall, from Time to Time, be made to the Visitors as aforesaid, by the Treasurers, of the like Dividends that shall hereafter arise, due to such Schools, and come to their Hands; and the Visitors of the Schools as aforesaid, are hereby impowered to dispose of all such Money as they shall receive from Time to Time, in such Manner as may be most for the Encouragement and Advancement of such Schools.

XI. And be it likewise Enacted, That the Visitors of each School, to be constituted, qualified and incorporated in Manner aforesaid, or the major Part of them and their Successors, be, and are hereby enabled to take, hold, and enjoy, and be apt and capable in Law, for taking, holding and enjoying, all Manors, Lands, Tenements, Inheritances, Franchises and Possessions whatsoever, Spiritual or Temporal, to the Value of Fifteen Hundred Pounds Sterling, and all other Goods, Chattels, Money and Personal Estate whatsoever, of the Gift of any Person whatsoever, that already hath, or hereafter shall be willing to bestow them for the Use of the said Schools, or any other Gifts, Grants, Assignments, Legacies or Appointments of the same, or any of them, or any other Goods whatsoever; to be applied by the Visitors for the Uses and in Manner as aforementioned: And the said Visitors are likewise hereby authorized to receive all and every such Fines and Forfeitures as have already arisen due, or that shall hereafter arise due to their several County Schools, in whose Hands soever the same are lodged, or hereafter shall be

Bacon lodged, and upon Refusal or Delay of Payment thereof, that then they may, at their Discretion, exercise the Powers and Authorities, (given them as a Body Politic by this Act) for the Recovery of the same; the which Fines and Forfeitures are likewise to be applied to the Uses and in Manner aforesaid.

XII. Provided always, That the Visitors to be appointed for every School as aforesaid, and their Successors, from Time to Time, are hereby impowered to appoint a Register, and allow him a reasonable Salary, who is hereby obliged to keep a fair Account of all their Proceedings, and of the Application by them to be made of all Monies, Tobaccos, or other Commodities, or Matters, or Things whatsoever, that shall come to their Hands by virtue of the Authorities given them by this Act, which shall at all Times hereafter be subject to the Examination and Correction of the General Assembly of this Province.

XIII. And be it further Enacted That every Person by this Act appointed as a Visitor of the County Schools, or that shall hereafter be nominated and appointed as such, pursuant to the Directions hereof, that shall wilfully refuse or delay to take upon him the said Office, shall forfeit and pay for every such Refusal or Delay, the Sum of Five Hundred Pounds of Tobacco, for the Use of the School of that County where such Offence shall be committed; to be recovered in his Lordship's Name, or at the Visitors Suit, before the Justices of that County Court, by Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

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